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A HISTORY OF TEXAS

Volume Three

SANTA ANNA SURRENDERS TO HOUSTON

(From a Painting by W. H. Huddle in the Capitol at Austin)

A HISTORY OF TEXAS

FROM WILDERNESS TO COMMONWEALTH

BY
LOUIS J. WORTHAM, LL. D.

IN FIVE VOLUMES
VOLUME THREE

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A HISTORY OF TEXAS

VOLUME III.

CHAPTER XXXIV.

AUSTIN LEAVES THE ARMY.

THE siege of San Antonio had been continued while the consultation was in session, and Austin reported the progress of his operations to that body, recognizing in it the successor of the permanent council as the civil authority of the land. The most important event which had occurred had been the capture of three hundred horses of the enemy's cavalry, which the Mexicans had attempted to send to Laredo to recuperate from the effects of privation within the besieged town. This capture was made on November 11 by a detachment under Captain Travis, and Austin reported it in a communication to the consultation on November 14. At the same time he took occasion to urge that reinforcements be sent to San Antonio without delay. Practically all the men under his command were those who had started in response to the first call during the first week in October, and quite naturally Austin expected that by this time—six weeks later—a great many more would be on the way. The truth was that hardly any were on the way, and the outlook for reinforcements was not very bright. Austin was unaware of this, and with fully four thousand men capable of bearing arms still to be heard from, and some of his officers unwilling

to attack a superior force in a fortified town, he was anxious that every available man should be on the ground before attempting to storm San Antonio.

"The enemy is shut up in Béxar," he wrote the consultation, "and more and more discouraged every day. All we need is perseverance and reinforcements to keep up the army. I exhort the consultation to hurry on reinforcements with all possible despatch, and the campaign will soon end."

On November 18, not knowing that the consultation had adjourned, Austin wrote again. After communicating the information that he had sent detachments at different times under Captain Fannin and Colonel Burleson to intercept Mexican reinforcements from Laredo, and that Fannin had just returned and reported positively that no troops had left that place, he announced that he would soon be ready to begin the attack.

"I have heretofore on various occasions submitted to a council of officers the storming of the fortifications," he wrote, "and I am now decidedly in favor of that measure as soon as the Orleans Grays get up from Goliad and Burleson's detachment returns. The works are stronger than they were, but are greatly extended, and consequently the defending force is very much scattered. The troops inside are also very much discouraged and begin to consider the contest as hopeless, cut off as they are from resources, with a wilderness in the rear, which has been burnt nearly all the way to Rio Grande on all the roads. Béxar must fall in a short time for want of resources without loss on our part and I think it could be stormed successfully, though at very considerable risk of losing men."

Austin took occasion to report also that his health, which had been very bad since the army left Cibolo creek, had improved very much, and he praised the manner in which so large a percentage of the volunteers had remained on duty in the face of great hardships. Many had found it necessary to return to their homes, and there really was no authority under which any of the men could be compelled to serve against their will. "The army has done all that could have been done under the circumstances," Austin wrote, "and without materials and organization, which latter is purely voluntary. It deserves great credit for its sufferings and perseverance. I have every confidence that a short time will end this campaign."

It is evident that Austin had now come to realize that there was no longer hope of any great number of new volunteers coming forward from among the colonists. The New Orleans Grays were journeying toward San Antonio from the coast and Burleson, who was absent with a detachment of one hundred and thirty men, was expected to return in a day or so. Austin had concluded that this would bring his force up to the greatest strength he could hope to have in the near future, and consequently he decided to delay the attack no longer.

The dispatch informing the consultation of his decision had hardly left the camp when a communication from the provisional government arrived, notifying Austin of his appointment to go as envoy to the United States, and directing him to report at San Felipe immediately. It is not necessary to draw strained inferences from this communication, nor to question anybody's

motives, to recognize that it showed a lack of appreciation of the situation around San Antonio, and not a very acute recognition of the value of Austin's services as commander of the volunteers. There were old colonists who believed for the rest of their lives that this was part of a plan to get Austin away from the army before the attack was made, and to send him out of the country to eliminate his influence. But whether this is true or not, or only partly true, it is certain that partisan interests and personal ambitions already were being actively put forward by some of the more extreme of the old war party. Austin, however, did not hesitate an instant in replying.

"Since writing my communication of this date (12 o'clock)," he wrote, "I received those of the convention informing the army of the provisional organization of an executive authority and council—and of my appointment to the United States as a commissioner, and requesting my personal service at San Felipe without delay. As I have just received this intelligence, I can only say that I am ready at all times to serve Texas in any station where it is considered I can be useful. Some prudence will be necessary to keep this army together should I leave at once. I therefore cannot at this time say when I can be in San Felipe, but will give you the earliest possible information on this subject."

In short, Austin had decided that he would not go to San Felipe until after he had taken San Antonio, which he expected to do within the next few days. His statement that "some prudence" would be necessary to keep the army together if he should leave was unquestionably true, as subsequent events proved abundantly.

It took a good deal of patriotism for men who had left their cotton in the field, ready to pick, to remain under arms when most of their neighbors were at home going about their business as usual—gathering and selling their crops, some of them even refusing to provide supplies for the volunteers on credit. And when it is considered that for weeks a propaganda had been in progress among the men insisting that the siege of San Antonio was a mistake and that the town could not be taken by storm, it is remarkable that so many of them stayed on. It could not last much longer, and the time was not far away when the army would begin to dwindle daily because of men feeling obliged to return to their homes to look after their personal affairs. Austin undoubtedly appreciated this fully, and it was this situation which led him to favor taking the place by storm, even at the risk of considerable loss of life, instead of attempting to continue a siege of indefinite duration. He was convinced that the siege would result finally in surrender of the Mexicans, if the army could be held together long enough. But how long the army could be held together was a serious question. In the circumstances, therefore, Austin decided that the taking of San Antonio was more immediately important than his mission to the United States.

Meantime another vexing situation arose to occupy his attention. J. M. Viesca, the constitutional governor of the state of Coahuila and Texas, who had been arrested by Cos, was rescued by some of his followers, and made his way to Texas to join in the struggle to uphold the constitution of 1824. He arrived at Goliad early in November, accompanied by a force of men under Colo-

nel Gonzales, and very naturally he expected that he would be received with open arms by the adherents of the cause for which he had made so many sacrifices. He was fully prepared to play his part in the struggle, and, inasmuch as two companies of cavalry which Colonel Gonzales formerly commanded were among the defenders of San Antonio, he felt these could be drawn away from the central government, thus simplifying the task of taking that place and banishing Cos and the centralist troops from Texas. Complete disillusionment awaited him at Goliad, however. The Texan company there was in command of Captain Philip Dimmitt, the former commander, Captain Collinsworth, having joined Austin at San Antonio. Whatever may be the facts with respect to Dimmitt's treatment of Viesca, the latter became greatly offended and was impressed with the idea that he was not wanted. He wrote to Austin complaining of the treatment he had received, saying that it had been his intention to send Gonzales on to join him, but that now he was at a loss what to do. At the same time Roberto Galán, acting alcalde at Goliad, also wrote to Austin complaining that Dimmitt had been treating the native Mexican population of Goliad as though they were enemies, whereas they were loyal to the constitution of 1824.

It will be recalled that in his first communication to Collinsworth at Goliad, Austin had specifically stressed the importance of obtaining the allegiance of the people of that town. "You understand," he wrote, "that the position taken by the people of Texas is to support the Federal Constitution of 1824, and to oppose Centralism. It is understood that the people of Goliad and Victoria

are in favor of the same cause we are defending. You will therefore spare no pains to inform them of our principles—and get them to pronounce for the same cause and elect members to the consultation." Collinsworth had left Goliad shortly after receiving these instructions, and Dimmitt, who succeeded him, evidently had failed to carry them into effect. In any event, the acting alcalde, who professed allegiance to the constitution, complained of Dimmitt's conduct.

Confronted with this situation, Austin acted promptly and with decision. The consultation in its declaration of causes had offered, in the name of the Texans, "their support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism." If this offer was made in good faith, certainly support should be given to the constitutional governor of the state of Coahuila and Texas, and certainly the Mexican citizens of Texas, where they showed themselves loyal to "the republican principles of the constitution of 1824," should be regarded as comrades in a common cause. Lorenzo de Zavala, a distinguished Mexican patriot, had sat in the consultation and participated in the framing of the declaration of causes, and other Mexican leaders had pronounced against Santa Anna. Only a few days before, Colonel José Antonio Mexía, the same man the Texans had banqueted at Brazoria in 1833, had landed at Tampico from New Orleans at the head of an expedition against the central government. This expedition ended in disaster, but this was not known in Texas until later, and even if it had been known it would not have changed the circumstance that Mexía was fighting in the same cause the volun-

teers had left their homes to defend. Austin himself had appealed to the native Mexican citizens of San Antonio to cooperate with the Texans, and there was a native Mexican company from Victoria, commanded by a Mexican captain, serving with the volunteers. From the standpoint of political principle and honest dealing, therefore, the Texans ought not, in such a situation, to deny cooperation to native Mexican republicans.

But there was another standpoint of more immediate practical importance, and one Austin insisted upon. The cooperation of Mexican federalists throughout the republic was important in order to defeat the purpose of the central government to unite the whole Mexican nation against the few thousand Anglo-Americans in Texas. Austin's strategy from the first was to drive the Mexican troops out of Texas and keep them out. He wanted to "keep the war out of Texas" as much as possible, and when it is considered that probably a majority of the colonists desired no trouble with the Mexican government at all, and certainly were not in favor of independence at this time, that policy seems a wise one, even today, especially as the Texans could not possibly lose anything or sacrifice any principle by following it.

In the light of subsequent history it is but natural that patriotic Texans today should incline to the belief that had they lived in those days they would have favored immediate independence. It is not easy for the average man to see a situation precisely as it existed at some given time in the past, for it is not easy to divest one's self of considerations related to subsequent events. There is no fact of Texas history more certain than that a majority of the colonists in Texas were not for indepen-

dence in November, 1835, and that as a matter of plain truth a good percentage of them were giving more attention to gathering their cotton crop than to the revolution. And the soil of Texas belonged either to a majority of the people of Texas, including the native Mexicans, or to the Mexican nation. Besides, it was a serious thing to unite the whole Mexican nation against a few thousand Anglo-Americans, especially at a time when not one in four of those few thousand had responded to the call to arms.

The attitude of the United States government, incidentally, was another consideration which was not absent from Austin's mind. He had been in close communication for some time with H. Meigs, brother-in-law of the American secretary of state, John Forsyth, and Meigs had informed him that he had disclosed the contents of his letters to Forsyth. In one of his most recent letters Meigs had exhorted Austin to continue to maintain his "accustomed prudence and fortitude." The United States government had a treaty with Mexico, and occupied the position of a "friendly nation," and in view of the fact that help from the people of the United States was expected, it was very important for the Texans to follow a strictly legal and constitutional course, that would bear the closest scrutiny in the light of international law. It is not out of place here to say that as late as the middle of April, 1836, six weeks after the Texans had adopted a declaration of independence, Andrew Jackson, President of the United States, characterized it as "a rash and premature act." "The Texans," he wrote, "before they took the step to declare themselves

independent, which has aroused and united all Mexico against them, ought to have pondered well. It was a rash and premature act. Our neutrality must be faithfully maintained." If President Jackson's opinion to this effect was well based in April, 1836, was it not a wise policy in November, 1835, just after the consultation had adjourned without voting independence, for the Texans to avoid doing anything that would "arouse and unite all Mexico against them?"

It has been necessary to digress in this manner, and to seem to "argue a case" in order to give the proper setting of Austin's course in relation to the case of Governor Viesca and the people of the town of Goliad. For Austin promptly issued an order removing Dimmitt from his command and appointing Collinsworth in his place, and then notified Galán, the acting alcalde at Goliad, of his action, adding that he had instructed Collinsworth "to work in accord with the civil authority and the citizens who have pronounced in favor of the constitution." Next he dispatched a communication to Colonel Gonzales to join him at San Antonio, and then wrote the following communication to the provisional government:

"I have received an official letter from Governor Viesca, informing me of his escape from prison, arrival in Texas, and bad reception he met from Captain Dimmitt. The alcalde of Goliad and many others complain of Dimmitt, and I have ordered him to deliver the command of Fort Goliad to Captain Geo. M. Collinsworth.

"I particularly recommend Governor Viesca and Colonel Gonzales to the attention of the executive gov-

ernment. I have invited the latter to this camp with his men. If he was here I have no doubt he could draw over two companies at least of cavalry now in Béxar, as he once commanded them. It was his intention to have come here from Goliad, but he was so confounded and disgusted by the reception he met with from Captain Dimmitt that he became discouraged and concluded to halt, as I am told, at James Kerr's, on the Lavaca, until he heard from me. I have sent an address to him to that place inviting him to the camp. Should he have gone to San Felipe I request that you will invite him to join this army."

When Captain Dimmitt received Austin's communication removing him, the men of the company at Goliad held a meeting and adopted resolutions respectfully refusing to submit to the removal of their captain, standing on their right to elect their immediate commander. But in the meantime other things happened which left Austin helpless to enforce the order. For, after disposing of the vexed situation created by the arrival of Viesca and Gonzales in Texas, Austin immediately turned his attention to the matter of storming San Antonio. On the morning of November 21, having received word that the New Orleans Grays would arrive before night and that a twelve-pounder cannon would be in camp in a few hours, Austin issued the following general order:

"It is announced to the army that it will be organized into divisions this day for the purpose of storming Béxar tomorrow morning. The captains of companies will report to the Adjutant General by ten o'clock today a roll

of their respective companies, stating those who have left yesterday or today.

"All communication with Béxar is prohibited."

Austin was now fully prepared for the attack. John W. Smith, a resident of San Antonio, and a civil engineer by profession, had sent him a carefully prepared map of the town and fortifications, and a plan of attack had been devised with the assistance of Dr. James Grant, another engineer, who had joined the army a short time before. After issuing the order for the attack Austin proceeded to perfect the final arrangements for the operations of the following morning. "During the day," says W. T. Austin, "the prospects in camp appeared decidedly encouraging; every man appeared firm and anxious for the conflict. In the evening the volunteers were all paraded and inspected, and reviewed by the commander in chief, when he made a few remarks appropriate to the occasion. The appointments of the different commands all being arranged, and all necessary preparations made, a report was accordingly made by the adjutant and inspector-general to the commander in chief; orders were then issued requesting the officers commanding the different divisions of the army to have the men comprising their respective commands paraded and formed at three o'clock in the morning. . . . at the old Mill Station, immediately above the town, in readiness to make an attempt upon the fortifications of the enemy."

Everything seemed to be progressing satisfactorily, and Austin retired to get a few hours' rest before the time to begin the attack. Then at one o'clock in the morning, Lieutenant-Colonel Philip Sublett, who was in

immediate command of the second division of the army, waited upon Austin and presented to him the following communication:

"To Stephen F. Austin, Commander in Chief:

"On receipt of your general order of this date announcing that an attack on the fortifications of Béxar would be made by storm tomorrow morning, I have ascertained the disposition of the officers and men of my division and believe it to be my duty to report that a majority of them are opposed to the measure and are unwilling to attempt it, and I concur in opinion with them.

"PHILIP A. SUBLETT,
"Lieutenant-Colonel."

At the same time Colonel Burleson, who commanded the first division, submitted a communication, identical in wording, with the exception that the phrase at the end, "I concur in opinion with them," was omitted. Burleson simply reported the condition, as he found it to exist, but was himself in favor of the attack and was willing to obey orders. Austin immediately inquired into the situation and found that the communications correctly reflected the feeling of the officers and a very large majority of the men. The propaganda against storming San Antonio had been effective.

"The commander in chief," writes W. T. Austin, "was greatly astonished and mortified at this unaccountable change which had so suddenly taken place in the minds of the volunteers, and felt extremely embarrassed as to the proper direction to give to matters at that particular juncture. He, however, determined to persevere in the attack, in the event that a sufficient force could be obtained for the purpose to justify it. He ordered the

adjutant-general to make an investigation forthwith. The result was that not more than one hundred men of the whole army (excepting the company of New Orleans Grays, who were willing and anxious for it, to a man) could be found willing to make the attack; he also ascertained that this wonderful and sudden change had been produced in the minds of the men secretly by some designing persons from motives of ambition and jealousy, which at the moment could not be precisely understood.

Austin had been completed checkmated. In the circumstances he could do nothing but abandon the attack, and he issued the following order:

"Col. Edward Burleson and Lieut. Col. Philip Sublett, who are the immediate commanders of the two divisions of the army, having in the above reports made known to me that a majority of their respective divisions are opposed to storming Béxar, and are unwilling to attempt it, and having ascertained from other sources that this majority is very large and that not more than one hundred men can be obtained to go into the measure, necessity compels me to countermand the order for storming."

The next day he wrote the following communication to the provisional government, reporting the incident:

"Yesterday I issued an order to storm Béxar at daylight this morning. Colonel Burleson and Lieutenant-Colonel Sublett, the immediate commanders of the two divisions of the army, reported to me that a majority of the officers and men of their divisions were opposed and unwilling to attempt it, in consequence of which I was compelled to abandon the measure.

"The siege may be prolonged some time. The army is now out of flour and the corn is exhausted. I therefore have to request that at least one hundred barrels of flour and a supply of beans and sea bread or hard biscuit be sent to this army without any delay."

Austin now decided to make a heroic effort to bring order out of the chaos that was being created. As he saw the situation, the extreme radicals, in their overzealous haste to have Texas declared independent, had compelled the consultation to take a weak and obscure position, and to fail to take advantage of the impregnable ground upon which Texas stood under both Mexican and international law. That some of these men had carried their zeal to such an extent as to regard even Austin himself as "pro-Mexican," and to labor to destroy him, did not concern him so much as that the safety of Texas was being imperiled. The results of the consultation, when he examined them, did not impress him as being calculated to unite the people, either in respect to the character of the provisional government that had been set up, or in the declaration of causes that had been adopted. The latter, being a compromise, was open to several constructions. It was not clear and unequivocal, and this fact not only was calculated to weaken the effort to unite the people, but actually weakened the case of Texas at the bar of international opinion.

This was made all the more apparent by the receipt in Texas of the text of a decree of the centralist congress, adopted October 3, which formally abolished the federal system. The centralists had reached the climax of their unconstitutional and violent career, and if the Texans were to make the most of the situation, it would be nec-

essary to stand up for all of their legal and constitutional rights which the centralists were thus attempting to destroy. Whether they declared for independence or not was not near so important as that the action taken should be based soundly on the legal rights of Texas as a political entity. Austin discussed these matters with the volunteers freely, and found there was a widespread opinion that a convention should be called immediately to decide the permanent destiny of Texas in accordance with the views and interests of a majority of the people. No one who makes even a cursory examination of Austin's papers of this period can doubt that his private opinion was that Texas would never again be united to Mexico. But it was his desire that the separation should be the free act of the people of Texas themselves, and not that of a faction, and he believed it to be of the most urgent importance to give the people the opportunity to act as soon as possible. He decided, therefore, to leave the army and go to San Felipe at once. It would be important, however, to insure, so far as possible, that the army would hold together until the capitulation of San Antonio, and to this end he decided to give the men the option of volunteering anew or returning to their homes.

In accordance with this plan it was announced to the army that Austin was about to leave, and that only those men who were willing to do so would be required to remain. An election for commander in chief to succeed Austin was also announced, but it was specifically stipulated that only those who agreed to remain with the army until San Antonio capitulated or until the siege was terminated, would be permitted to vote. A parade of the army was ordered on November 24, and Austin ad-

dressed the men in person, saying that he had decided to accept the commission to go to the United States, and urging upon them the importance of continuing the siege. A call was then made for volunteers to remain permanently before San Antonio under a commander elected by themselves, and four hundred and five men responded. Then an election was held and Colonel Edward Burleson was chosen commander in chief. F. W. Johnson was immediately appointed adjutant and inspector-general, and W. T. Austin aide-de-camp. Then, having completed the arrangements for his departure, Austin started for San Felipe on November 25. He arrived there on November 29, and the next day submitted his report to the provisional government, at the same time transmitting to it a translation of the text of the decree of October 3 by which the central government had ordained the abolition of the federal system and the conversion of the states into provinces.

This was the first notice the provisional government had received of this decree and, inasmuch as the full force of Austin's report can be appreciated only in the light of its contents, the text is here given:

"His Excellency the President pro tem. of the Mexican United States to the inhabitants of the Republic. Know ye, that the General Congress has decreed the following:

"Art. 1. The present government of the states shall continue, notwithstanding the time fixed by the constitution may have expired; but shall be dependent for their continuance in the exercise of their attributes upon the Supreme Government of the nation.

"Art. 2 The legislatures shall immediately cease to

exercise their legislative functions: but before dissolving (and those which may be in recess meeting for the purpose) they shall appoint a Department Council, composed, for the present, of five individuals, chosen either within or without their own body, to act as a council to the governor; and in case of vacancy in that office, they shall propose to the Supreme General Government three persons possessing the qualifications hitherto required; and until an appointment be made, the gubernatorial powers shall be exercised by the first on the list who is not an ecclesiastic.

"Art. 3. In those states where the legislature cannot be assembled within eight days, the ayuntamiento of the capital shall act in its place, only for the purpose of electing the five individuals of the Department Council.

"Art 4. All the judges and tribunals of the states, and the administration of justice, shall continue as hitherto, until the organic law relative to this branch be formed. The responsibilities of the functionaries which could only be investigated before the Congress, shall be referred to and concluded before the Supreme Court of the nation.

"Art. 5. All the subaltern officers of the state shall also continue for the present (the places which are vacant or which may be vacated, not to be filled), but they, as well as the officers, revenues and branches under their charge, remain subject to, and at the disposal of, the Supreme Government of the nation, by means of the respective Governor."

By this decree the central government, assuming a power which it did not possess under the constitution of 1824, nor under any principle of government, abolished

the states and transferred to itself all the rights and powers which belonged to the states under the constitution. Such high-handed action could be defended only on the ground that the condition of almost permanent revolution throughout Mexico justified it, in that it was necessary to the maintenance of order and the protection of life and property. But it could not be applied to Texas on this ground, even if the change proposed had been accomplished in accordance with the method prescribed by the constitution. And the unconstitutional and violent method employed could not be justified on any ground. Any state of the Mexican federation would have been fully within its rights under Mexican and international law in refusing to acknowledge the authority of the central government, and setting up a government for itself. In the case of Texas this was doubly true, and it was the importance of this circumstance which prompted Austin to call it to the attention of the provisional government and to propose a course of action in keeping with it. Austin proposed to place the revolt of the Texans on impregnable ground and to appeal to an impartial world for sympathy and cooperation.

CHAPTER XXXV.

A HOUSE DIVIDED.

THE provisional government had completed its organization on November 16, when the general council held its first meeting, received the message of Governor Smith outlining the work ahead of it, and divided itself into five standing committees. The standing committees were those on affairs of the army, affairs of the navy, fiscal affairs, affairs of state and land, and Indian affairs. Each of these committees had begun the work of its department and progress had been made toward establishing the government when Austin returned to San Felipe and submitted his report. The matters dealt with in this report, which was dated November 30, and in two letters which Austin wrote the council on December 2 and 3, are of such vital character and reveal the existing situation with such clearness, that their full texts must be given.

Austin's report, which was accompanied by a translation of the text of the decree of October 3, was as follows:

"I have the satisfaction to say that the patriotism which drew together the gallant volunteers now in service before Béxar and Fort Goliad is unabated. They left all the comforts and endearments of home to defend their constitutional rights and the republican principles of the federal system and constitution of 1824, and the

vested rights of Texas under the law of the 7th of May of that year. Their basis is the constitution and the federal system. But should these be destroyed in Mexico, and the decree of the 3d of October last, passed by the Central party, a copy of which is herewith presented, be carried into effect, and a central and despotic government established where all the authorities are to be concentrated in one person or in a few persons, in the City of Mexico, sustained by military and ecclesiastical power, the volunteer army will also, in that event, do their duty to their country, to the cause of liberty, and to themselves as honor, patriotism and the first law of nature may require.

"That every people have the right to change their government is unquestionable; but it is equally certain and true that this change, to be morally or politically obligatory, must be effected by the free expression of the will of the community, and by legal and constitutional means; for otherwise the stability of governments and the rights of the people would be at the mercy of fortunate revolutionists—of violence or faction.

"Admitting, therefore, that a central and despotic or strong government is best adapted to the education and habits of a portion of the Mexican people, and that they wish it, this does not and cannot give to them the right to dictate by unconstitutional means and force to the other portion who have equal rights and differ in opinion.

"Had the change been effected by constitutional means, or had a national convention been convened, and a majority agreed to the change, it would have placed

the matter on different ground; but even then it would be monstrous to admit the principle that the majority have the right to destroy the minority, for the reason that self-preservation is superior to all political obligations. That such a government as is contemplated by the before-mentioned decree of the 3d of October would destroy the people of Texas must be evident to all, when they consider its geographical situation, so remote from the contemplated center of legislation and power; populated as it is by a people who are so different in education, habits and instincts, language, and local wants from all the rest of the nation, and especially when a portion of the Central party have manifested violent religious and other prejudices and jealousies against them. But no national convention was convened, and the constitution has been, and now is, violated and disregarded.

"The constitutional authorities of the state of Coahuila and Texas solemnly protested against the change of government, for which act they were driven by military force from office and imprisoned. The people of Texas protested against it, as they had a right to do, for which they have been declared rebels by the government of Mexico.

"However necessary, then, the basis established by the decree of the 3d of October may be to prevent civil wars and anarchy in other parts of Mexico, it would be ruinous to Texas. This view presents the whole subject to the people. If they submit to a forcible and unconstitutional destruction of the social compact which they have sworn to support, they violate their oaths. If they submit to be tamely destroyed, they disregard their duty

to themselves and violate the first law which God has stamped upon the heart of man, civilized or savage—which is the law or right of self-preservation.

"The decree of the 3d of October, therefore, if carried into effect, evidently leaves no remedy for Texas but resistance, secession from Mexico and a direct resort to natural rights.

"Such I believe to be the view which the volunteer army, late under my command, has taken of this subject; and such in substance are the principles it is defending and will defend. That they are sound and just, and meet the approval of all nations, I sincerely and conscientiously believe.

"It may be out of place to speak of myself in such a communication as this, but I deem it right to say that I have faithfully labored for years to unite Texas permanently to the Mexican confederation, by separating its local government and internal administration, so far as practicable, from every other part of Mexico, and placing it in the hands of the people of Texas, who are certainly best acquainted with their local wants, and would best harmonize in legislating for them. There was but one way to effect this union with any hope of permanency or harmony, which was by erecting Texas into a state of the Mexican confederation. Sound policy and the true interest of the Mexican republic evidently required that this should be done.

"The people of Texas desired it; and if proofs were wanting (but they are not) of their fidelity to their obligations as Mexican citizens, this effort to erect Texas into a state affords one which is conclusive to every man of judgment who knows anything about this country;

for all such are convinced that Texas could not and would not remain united to Mexico without the right of self-government as a separate state.

"The object of the Texans, therefore, in wishing a separation from Coahuila, and the erection of their country into a state, was to avoid a total separation from Mexico by a revolution. Neither Coahuila nor any other portion of the Mexican nation can legislate on the internal affairs of Texas; it is impossible. This country must either be a state of the Mexican confederation or must separate *in toto* as an independent community, or seek protection from some power that recognizes the principles of self-government. I can see no remedy between one of these three positions and total ruin.

"I must particularly call the attention of the provisional government to the volunteer army now in the field. That their services have been and now are in the highest degree useful and important to Texas is very evident. Had this army never crossed the Guadalupe, a movement which some here condemned, the war would have been carried by the Centralists into the colonies and the settlements on the Guadalupe and La Baca would probably have suffered and, perhaps, been broken up. The town of Gonzales had already been attacked and many of the settlers were about to remove.

"What effect such a state of things would have had upon the moral standing and prospects of the country, although a matter of opinion, is worthy of mature consideration; more especially when it is considered that, at the time, the opinions of many were vacillating and unsettled, and much division prevailed. The volunteer army have also paralyzed the force of General Cos, so

that it is shut up within the fortifications of Béxar, incapable of any hostile movements whatever outside of the walls, and must shortly surrender or be annihilated. The enemy has been beaten in every contest and skirmish, which has proved the superiority of the volunteers, and given confidence to everyone. Our undisciplined volunteers, but a few of whom were ever in the field before, have gained some experience and much confidence in each other and in themselves, and are much better prepared for organization and to meet a formidable attack than they were before.

"The post at Goliad has been taken by the volunteers, and the enemy despoiled of large supplies which were at that place, and of the facilities of procuring others by water through the port of Copano, which is also closed upon them by the occupation of Goliad. The enemy has been driven from the river Nueces by a detachment of the volunteers who garrison Goliad and by the patriotic sons of Ireland from Power's colony. More than one hundred of the enemy, including many officers, have been killed; a great many have been wounded, others have deserted, and a valuable piece of brass cannon, a six-pounder, has been taken, and another preserved (the one that was at Gonzales) from falling into the hands of the enemy; three hundred head of horses have been taken, and the resources for sustaining an army in Béxar are all destroyed or exhausted, so that an army in that place is at this time more than three hundred miles from any supplies of breadstuffs and many other necessary articles. All this has been effected by the volunteer army in a little more than

one month, and with the loss of only one man killed in battle and one wounded (who has nearly recovered) before Béxar; one wounded at Goliad, and one wounded at Lipantitlan on the Nueces. In short, the moral and political influence of the campaign is equally beneficial to Texas and the sacred cause of the constitution and of liberty, and honorable to the volunteer army. This army is composed principally of the most intelligent, reputable and wealthy citizens of the country; and of volunteers from Louisiana and Alabama, men who have taken up arms from principle, from a sense of duty, and from the purest motives of patriotism and philanthropy. They have bravely sustained the rights of Texas and the cause of Mexican liberty, and patiently borne the exposure and fatigue of a winter's campaign during the most inclement, wet and cold spell of weather known in this country for many years. The most of them are men of families, whose loss would have made a fearful void in our thin community. They might have been precipitated upon the fortifications of Béxar, which were defended by seven or eight hundred men and a number of cannon, and taken the place by storm against superior numbers, and Texas might, and in all probability would, have been covered with mourning in the hour of victory. On consultation with the officers, in councils of war, it was deemed most prudent not to hazard so much in the commencement of the contest, when a disaster would have been so materially injurious; and the system was adopted of wasting away the resources and spirits and numbers of the enemy by a siege, the ultimate success of which appeared to be certain, without any serious

hazard on our part. That the fall of Béxar within a short time, and with a very little loss, will be the result, I have no doubt.

"I consider the volunteer army to be the main hope of Texas at this time, and until a regular army can be organized; and I recommend that it be sustained and provided for in the most effective and efficient manner.

"Before closing this communication, I deem it to be my duty to recommend to the consideration of the provisional government the situation of the inhabitants of Béxar and Goliad. The necessary and indispensable operations of the war have compelled the army to make use of a considerable amount of their property, particularly corn and beef cattle. So soon as circumstances permit, I respectfully recommend that some system be adopted to ascertain the amount of property thus used and to provide for a just compensation. This recommendation also extends to horses and other property lost by the volunteers.

"I will present to the government another report on a special subject of importance."

This "special subject of importance" was the advisability of calling a convention at once to obtain a full and unequivocal declaration of the will of the people and to establish the government on a sounder basis. Austin submitted the report referred to on December 2. It read as follows:

"At the time of the former elections the people did not and could not fully understand their true situation, for it was not known then to be a certainty what changes would take place in Mexico; what kind of a government would be established, or what course would be pursued

towards Texas. It was only known then that the Central party was in power, that all its measures tended to the destruction of the federal system, and that preparations were making to invade Texas.

"But at the present time the people know that the government is changed—that Centralism is established by the decree of the 3d of October last, and that they are threatened with annihilation. In short, the whole picture is now clearly before their view, and they see the dangers that are hanging over them. Can these dangers be avoided by a provisional organization which is based upon a declaration that is equivocal and liable to different constructions? Does not the situation of the country require a more fixed and stable state of things? In short, is it not necessary that Texas should now say, and in positive and unequivocal language, what is the position she occupies and will occupy? And, can such a declaration be made without a new and direct resort to the people, by calling as speedily as possible a convention with plenary powers, based upon the principle of equal representation in proportion to population?

"These are questions of the most vital importance. I respectfully submit them to the calm deliberation of the provisional government, in the full confidence that all the attention will be given to the subject which its importance merits.

"Without expressing any individual opinion of my own as to the time or day when the new elections ought to take place, which would perhaps be indecorous in such a communication as this, the object of which is to lay facts before the provisional government, I deem it my

duty to say that, so far as I could judge of the opinions and wishes of the citizens who were in the volunteer army when I left them on the 25th ultimo, they were in favor of an immediate election of a convention. with plenary powers."

This communication was referred to the committee of state affairs by the general council, and D. C. Barrett, chairman of that committee, appealed directly to Austin for a further statement on the matter and for an expression of his own views and opinions. In response, on December 3, Austin wrote the following letter to Barrett:

"Dear Sir:—I have just received your note of this date, in which you request my opinion as to the calling of a convention without delay, on the plan of equality of representation, as nearly as practicable. In two communications which I have made to the provisional government, under date of 30th ultimo and 2d instant, I took a view of the present political situation of the country, which has a close connection with the subject of your inquiry. I refer you to them, as those communications were of an official character; the object of which was to state facts as I understood them. I gave no opinion as to when the convention should be called, believing it to be more proper to leave the provisional government to draw its own conclusions.

"The present communication is of a different character. I am directly called upon to give an opinion. I should comply with this request with great diffidence, did I not believe that the prudence and better judgment of the council (to which you say it will be submitted

by you, as chairman of the Committee of State Affairs) will detect any inaccuracies or false positions it may contain.

"The General Consultation of Texas was elected at a time when the country was distracted by popular excitements, produced by the diversity of opinions which naturally resulted from the disbelief of some that the federal system would be destroyed, or was even attacked, the excited and intemperate zeal of others, and the general want of information in all. It could not be reasonably expected that a body elected under such circumstances would be entirely free from the conflicting opinions that prevailed among their constituents, or that a clear and positively definite position would be taken by it. The majority of Texas, so far as an opinion can be formed from the acts of the people at their primary meetings, was decidedly in favor of declaring in positive, clear and unequivocal terms for the Federal Constitution of 1824 and for the organization of a local government, either as a state of the Mexican confederation or provisionally, until the authorities of the state of Coahuila and Texas could be restored. This measure was absolutely necessary to save the country from anarchy; for it was left without any government at all, owing to the dispersion and imprisonment of the executive and legislative authorities by the unconstitutional intervention of the military power. Some individuals were also in favor of independence, though no public meetings whose proceedings I have seen expressed such an idea.

"We have seen the consequences of these conflicting opinions in the declaration made by the Consultation on

the 7th of the last month. It is not entirely positive and definite in character. Whether or not the crisis in which Texas is now placed can be met and sufficiently provided for by a position which admits of construction in its application is a matter of opinion; as for myself, I believe it cannot.

"The character of the struggle in which Texas is engaged is now clearly developed; it evidently is one of life or death, 'to be or not to be.' It is no longer a mere question about the forms of political institutions; it is one of self-preservation. Texas is menaced with a war of extermination; the government of Mexico has so proclaimed it. The people now understand their situation, and consequently are much better prepared to elect public agents to provide against such a danger than they were at the time of the last election. At that time the form of government was not changed by any act which had the influence and the character of law; it now is by the decree of the 3d of October last. At that time the state governments existed; at this, no such thing as a state exists, not even in name. The decree of the 3d of October has converted them into departments without any legislative powers, and entirely subject to the orders of the president and central government in Mexico.

"Again, the representation in the Consultation was very unequal—a principle that should be cautiously avoided, so far as practicable, in a body that is to settle the political destinies of a community where all are equally interested.

"The Consultation, foreseeing that such a crisis as the present might arise, has very wisely provided for the

calling of a convention by the provisional government, and I am clearly of the opinion it ought to be done with the least possible delay.

"Another weighty reason in favor is, that the world is not sufficiently informed or enlightened on the causes or the merits of the present conflict. The people of Texas have been, and now are, accused of being ungrateful rebels, who have repaid the favors and bounties of the nation with ingratitude and rebellion. This accusation is unfounded and unjust. That individuals have committed imprudences, and even excesses, and by so doing have injured the character and best interests of Texas, by giving a pretext to our enemies to confound the whole of the people with those individuals, may be true; but when the causes of such excesses are sought for, they will be found to have proceeded from bad government, bad legislation, bad administration, or no government at all. Is this the fault of Texas? Whenever the people here have tried to get a local organization of their government, in order to correct and punish such excesses, they have been treated as rebels, so that the people are denounced because the want of self-government produces anarchy; and whenever they attempt to apply a remedy they are treated as ungrateful rebels! This country has been redeemed from the wilderness by the people who now live in it, and without any cost to the general government or to the nation. The settlers were stimulated to persevere and to overcome the most appalling difficulties, by the express guarantees of a liberal system of government, and of the right of self-government in their internal affairs as a state of the Mexican confederation. The lands thus received were

granted and sold by the state of Coahuila and Texas, and not by the general government (except a few old grants previous to the establishment of the federal system); and it is worthy of notice that one of the crimes attributed to the authorities of Coahuila and Texas by the general government, in justification of its military intervention, was the granting of their lands; and yet the general government claims all the merit of having given them away to the Texans. These lands and this country at the commencement of the settlement, fourteen years ago, were valueless, and so considered by the general government; they became the sole property of the state of Coahuila and Texas, and the state alone had the power of disposing of them. The state authorities have always considered them to be valueless; a proof of which is the manner in which they have been disposed of—given away for nothing to native Mexicans, in eleven-league tracts, and sold to them and to the colonists (for all the land acquired by foreign settlers was sold to them by the state) at from thirty to one hundred dollars per square league. In 1833, thirty square leagues of land were voted by the state legislators to a young man (who had previously received a grant of eleven leagues) as pay for one year's salary for his services as a judge! Some eight hundred square leagues were sold by these legislators in 1834 and 1835 to speculators, principally foreigners, and to themselves; for some of the legislators who passed the law for a part of this sale were purchasers, at from fifty to seventy-five and a hundred dollars per square league.

"It is not my intention to cast any censure on the legislature of Coahuila, or on the individuals who pur-

chased; the object of the former was to raise funds out of the sale of Texas lands to replenish the state treasury, which was empty; the latter were speculators, whose object was to take advantage of any law or circumstances that favored their views. I have mentioned this subject to prove more clearly the fact that all legislation, of both general and state governments, on the subject of Texas lands had been based on the full belief that they were valueless, and that the nation and the state were gainers by getting this wilderness settled, so as to have a barrier against the Indians, without any cost whatever to the nation; on the contrary, with the gain of from thirty to one hundred dollars per square league. There never has been any kind of organization in Texas that merits even the name of a government, at least not since the year 1827. The moral principle of the people governed them and kept the country quiet. Peace prevailed in this country until last May; in that month a revolutionary ball was thrown into it by the state authorities of Monclova, all valiant Mexicans; and since then not a month, indeed scarcely a week, has passed without some act on the part of the general government or its authorities to increase the irritation, and hurry this country into revolution, or into anarchy and ruin, so as to involve it in a war, to which they give the character of a national one against foreign adventurers. And yet, according to the general government of Mexico, the people of Texas alone are to be blamed for everything, and deserve death. It is something like the fable of the wolf, who devoured a sheep for muddying the water of a brook in which they were both drinking at the same time, the wolf some hundred yards above the sheep.

That some acts have been committed in Texas which I have always disapproved, and still disapprove, is well known. They were reprobated and disapproved by the great mass of the people. But that these individual acts were of the rebel character which the government of Mexico says they are, or that all Texas should be condemned to ruin on this account, is as false a pretext as that of the wolf for eating the sheep. The truth is that liberal and free principles must be banished from Texas, as they have been, or perhaps will be, from all Mexico, to suit the views of the Central party. To do this, the people of Texas must be annihilated; and some reasons must be given to the world for so harsh a measure. The rumors circulated by my enemies that I was interested, or in any way concerned, in these large land sales and speculations are false. This specimen of the ruinous legislation of Coahuila as to lands is a fair specimen of their legislation for Texas in all other matters. A large portion of this country has been thrown into the hands of speculators and entangled by conflicting claims. And are the people of Texas to be blamed for all this? No; it was the acts of the native-born Mexican legislators and revolutionists. This subject, and all other matters connected with Texas, ought to be fully explained in a manifesto from the representatives of the people. This is therefore another reason why a convention ought to be called. The fact is now evident that Texas is engaged in a struggle for existence against great numerical strength and resources, and she must supply her physical weakness by the justice of her cause. If she cannot do this, she deserves to fall.

"For the reasons expressed, I am of opinion a conven-

tion should be called, without any delay, to meet as soon as it is possible, to hold the elections and convene the members. This is also the decided opinion of the citizen volunteers of the army, as expressed to me very generally before I left camp.

"The provisional government will, of course, continue in full force until changed by the convention. Their labors, in my opinion, have been directed by the purest desire to promote the general good, and merit the approbation of the country."

The general council, as shall be seen, acted upon the suggestions contained in Austin's communications in due course, but in the meantime friction developed between Governor Smith and the council. The same day that Austin arrived at San Felipe, Colonel Gonzales went before the council and placed himself and his force of twenty men at the disposal of the provisional government. On December 3 the council accepted his services as "a volunteer to defend the republican principles of the constitution of 1824, and the rights of Texas." He was supplied with funds to support his troops and was instructed to proceed to San Antonio at once and report to General Burleson, the commander in chief of the volunteers. On the same day General Mexía, returning with a remnant of his force from the disastrous expedition against Tampico, reached the mouth of the Brazos and sent a message to the provisional government asking for instructions as to how he could best serve the federal cause with the troops under his command. The council, in reply, sent word to William Pettus and Thomas F. McKinney at Brazoria to assist Mexía in any way possible and provide him with means to enable him to pro-

ceed to the interior. In passing, it should be said that this was Austin's idea. His plan was to give all possible "auxiliary aid" to Mexican federalists who would rise against the central government, and thus keep the war out of Texas. In order to make this effective it was necessary to avoid making a formal declaration of independence or doing anything else that might alienate the federalists and unite all Mexico. Austin was not in favor of having Mexicans introduced into Texas from other sections of Mexico, except where, as in the cases of Viesca and Gonzales, it could not be helped. On the other hand, he believed that any operations on soil south of the Rio Grande should at least be commanded by native-born Mexicans. Mexía did not come under this category precisely, for he was a native of Cuba, but Austin regarded him as the proper man to send against Matamoros. This was in line with Mexía's own ideas and with the purpose which had prompted him to organize at New Orleans the expedition against Tampico.

Mexía had been a stanch supporter of Santa Anna until the latter turned centralist. He was one of the first to agitate armed resistance to Santa Anna's schemes, and had participated in unsuccessful revolts in Jalisco and Queretaro. He escaped to New Orleans and immediately began plans to return to Mexico with a sufficient force to form the nucleus of a revolution for the overthrow of the centralists. On November 14, 1835, he landed at the mouth of the Pánuco, where the Mexican garrison, by previous arrangement, went over to him, and with the combined force he advanced against Tampico, nine miles away. In a fight on the streets of that town he was completely routed, and retreated to the

coast, leaving a number of prisoners and eight dead. Incidentally, thirty-one of these prisoners were foreigners—Americans, English, Irish, Germans and French—and they were shot as freebooters. Mexico subsequently paid France an indemnity for the shooting of two of her subjects on this occasion. Mexía, after waiting in vain for friends in the interior to join him, then sailed to Texas.

The proposal to provide Mexía with support in his project of beginning a federalist revolution in the interior was among the first causes of friction between Governor Smith and the General Council. The council passed an ordinance extending support to Mexía, but Smith promptly vetoed it, indicating very clearly that he was opposed to having anything to do with native-born Mexicans, in spite of the clause in the declaration of causes which offered "support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism." At the same time he wrote to Burleson saying that the action of the council in equipping Gonzales had been taken without his knowledge or consent, and warned the commander to watch the Mexican officer. "You will keep a strict eye on him," he wrote, "and if he should seem not to act in good faith I now order you to arrest him and his men, disarm them and hold them as prisoners of war, subject to my order." The council then retaliated by ordering Mexía to join Burleson at San Antonio also. As things turned out subsequently, Mexía did not obey this order, but after lingering in Texas awhile, returned to New Orleans. Most of his men, however, joined the Texas forces.

On December 10 the general council, in accordance with Austin's recommendation, passed an ordinance calling an election for delegates to a convention of all Texas. It fixed the date of the election as February 1, and that of the convention as March 1. Governor Smith vetoed it and returned it to the council two days later, with a message setting forth that his objection was based on a provision which permitted native-born Mexican citizens of Texas to vote if they were opposed to centralism. "The Mexican population within our limits," he said, "particularly where they are unmixed with other population, could not properly be tested, at an election, to know whether they were in favor of centralism or not—that being made the touchstone for eligibility. Under existing circumstances, I consider one fact plain and evident: that they who are not for us must be against us. In my opinion they should be so considered and treated. Actions always speak louder than words; and a very great proportion of the inhabitants of Béxar afford fair examples. They have had, it is well known, every opportunity to evince their friendship by joining our standard. With very few exceptions they have not done so, which is evidence, strong and conclusive, that they are really our enemies. In many instances they have been known to fight us. I therefore consider that they should neither be entitled to our respect or favor, and as such not entitled to a seat in our councils. As it respects the other Mexican jurisdictions that are intermixed with our own population, where the touchstone could be properly applied—it would be different. I, therefore, hope you will reconsider the bill, and make

the alterations suggested, as I consider the objections reasonable and justly founded."

Such a far-fetched objection to the ordinance had no weight with the council, and the next day it passed the measure over Governor Smith's veto. The fact that Smith, only a few days prior to this, had objected strenuously to native-born Mexicans joining the Texas standard at all, must have made his reference to the people of San Antonio, a town occupied by the enemy, seem amusing. The native-born Mexican population of Texas was so decidedly in the minority that there really would have been no danger of Mexicans exerting any injurious influence in the election, even had they desired to do so. The plain truth, however, was that no Mexican who was not whole-heartedly against the central government would risk participating in such an election. On the other hand, the council recognized that it was important to do nothing to give credence to the central government's claim that the revolt of the Texans was a bold attempt of foreigners to seize part of the national domain of the Mexican nation, and to contend that *bona fide* citizens of Texas were disqualified because they were native-born would certainly have had this effect.

It is probably true that nothing the Texans could have done would have prevented the uniting of all of Mexico in support of Santa Anna in attempting to put down their revolt. But it is equally true that nothing could have been sacrificed by adhering closely to a program which was based upon the right of Texas as a Mexican state to resist the violent overthrow of the constitution, and which contemplated the fullest cooperation with

Mexican patriots everywhere who took up arms in defense of the same cause. On the contrary, morally much would be gained, even though there were no other gain. This, in any event, was the view of the members of the council and, in keeping with this view, on December 11 they issued an appeal to native-born Mexicans in the interior to rally to the standard of the constitution.

The occasion of this appeal was the arrival at San Felipe of Capt. Julian Miracle from Mier, who brought the information that the liberals of Tamaulipas and Nuevo Leon were ready to join the Texans if they were fighting to sustain the federal system and not seeking to alienate Mexican territory. Miracle said that a Mexican lawyer of Mier named Canales was already at Palo Blanco, within two days' march of San Patricio, with a force of two hundred men, and that the Mexican garrison at Lipantitlan was ready to join either Canales or Gonzales if assurance were given that the charge of the centralists as to the object of the Texans was untrue. The assurance was given, an address was drawn up in the Spanish language and with five hundred printed copies of it, Miracle returned to his friends. The address was headed, "The General Council of the Provisional Government of Texas to the Mexican People," and was as follows:

"The people of Texas have taken up arms in defence of their rights and liberties, menaced by the attacks of military despotism, and to sustain the republican principles of the constitution of 1824. The Mexican nation ought to be fully informed on this subject, in order to correct the falsehoods circulated by the Centralists, who have attempted to calumniate the Texans

by giving to the revolution here a character very different from the true one, and painting it in the blackest colors.

"Texas has solemnly declared her principles in the declaration of the seventh of November last, made by her representatives, and has called God to witness the sincerity and purity of her intention. The people of Texas could not have acted in any other manner, and every free man would have done the same who appreciated his own dignity and was able to resist slavery.

"Texas was left without any government, owing to the imprisonment and dispersion of the Executive and Legislative authorities of the state by the military Centralists, and everything was rapidly falling into anarchy and ruin. It certainly was not the fault of the Texans that this state of things existed. They were living in peace when the revolutionary flame reached their homes; their situation may be compared to that of a peaceful village that is suddenly assailed by a furious hurricane, which menaces ruin and death, from which the inhabitants seek safety by any means in their power, without being in any manner censurable for the impending danger, nor for trying to shield themselves from its effects. The truth is that a storm which originated elsewhere threatened to involve them in its desolating ravages. They wish to save themselves as they have a right to do so, by the law of nature.

"Faithful to their oaths, they wish to defend the constitution, and for this their enemies have declared a war of extermination against them, and are trying to deceive the liberal Mexicans with false reports that their objects are different from those expressed in the

before-mentioned declaration. God knows this to be a malicious calumny, circulated for the purpose of consolidating Centralism, by trying to unite the Federalists in its ranks against their friends the Texans.

"Very dearly indeed have the Texans acquired their homes in this country, which but a short time since was wilderness infested by hostile Indians. It is just and natural that they should wish to preserve them, in conformity with the guarantees of the Federal compact under which they were acquired. It is equally so, that they should obey the first law which God has stamped upon the heart of man, civilized or savage, which is self-preservation.

"The Texans have therefore taken up arms in defense of their constitutional rights, in fulfillment of their duties to the Mexican confederation and of the most sacred obligation to themselves.

"They have organized a local Provisional Government, to provide for their security as a part of the Mexican confederation should it again be reestablished. Can it be possible that the whole nation will declare war against us because we wish to comply with our obligation in favor of the constitution, and because we wish to defend the rights which God has given to man, and which the Mexican nation has solemnly guaranteed to us? No, it cannot be believed. The free Mexicans are not unjust, and they will take part in our favor.

"To arms, then, patriotic Mexicans! The Texans, although a young people, invite and call you to the contest which it is the duty of all to sustain against the perjured Centralists, separate as we have done from

the Central Government, and declare eternal war against it; let us sustain the federal compact, restore the federal system and firmly establish the liberties and happiness of our country. In this great work you will receive aid and assistance from the Texans, so far as their limited resources will permit, as they have offered in the second article of their declaration."

From this appeal to Mexican liberals it will be seen that the General Council was animated by an entirely different spirit from that of Governor Smith. It already was plain that there was trouble ahead. The plan of the provisional government bound the office of governor and the council so closely together, and made the exercise of their powers dependent upon the cooperation of each other to such a degree that disagreement was bound to bring about a breakdown of the government. The crisis which Texas faced demanded the fullest unity of action. The need of the moment was to arouse the people and unify them in resistance to the central government. It was important, therefore, that any differences as to policy between the governor and the council should be composed. Unfortunately the friction increased as time passed and fearful consequences to Texas were the result.

CHAPTER XXXVI.

CAPTURE OF SAN ANTONIO.

CONDITIONS in the volunteer army around San Antonio, following Austin's departure for San Felipe, amply justified the prediction he had made that "some prudence" would be necessary to hold it together. Within ten days after he had surrendered the command to General Burleson, the situation reached such an acute stage that a council of war, held by the officers, decided to abandon the siege and go into winter quarters at Gonzales, and for the moment it looked as if the volunteer army would be disbanded and the campaign against San Antonio would end in failure. Only one event worthy of notice had occurred in the meantime to break the monotony of the daily routine. This was the so-called "grass fight," which took place on November 26, the day after Austin left camp. Texan scouts discovered a detachment of about one hundred and fifty Mexicans, which Cos had sent outside the town to obtain grass for his starving cavalry horses and, mistaking it for the reinforcements from Laredo, which Ugartechea was supposed to have gone after, they gave the alarm. The sacks of grass which the Mexicans were taking into the town were said by the scouts to be silver to pay the troops, and the receipt of this news in the camp caused great excitement. In addition to a small force under Bowie, which immediately engaged the Mexicans, practically the whole army rushed to

the scene without waiting for formal orders, and a lively fight resulted. Cos was compelled to send out reinforcements with artillery to save his foragers from destruction. About fifty of the Mexicans were killed and a large number wounded before the fight was over, but they finally withdrew to the town, leaving the triumphant Texans in full possession of several of the precious sacks of grass. When the real character of this "treasure" was discovered by the Texans there was great disappointment, and the battle was immediately dubbed the "grass fight." The Texans did not lose a man and the fight served to temporarily put the army in high spirits. After a few days, however, this feeling of elation subsided, and the monotony of the daily routine began to cause restlessness among the men. It was in these circumstances that the question of raising the siege was broached at headquarters. Finally, so many of his officers expressed dissatisfaction with existing conditions that General Burleson called a council of war to consider the question.

This council, which was composed of Burleson's staff and all the field officers, met on the evening of December 3. It soon developed that all present except Frank W. Johnson, adjutant and inspector-general of the staff, favored abandoning the siege and going into winter quarters. There was a thorough discussion of the matter, and while there was some division of opinion over the question of whether the whole army should be quartered at Gonzales, or part of it sent to occupy Goliad, with the single exception of Johnson, all of the officers advocated leaving San Antonio immediately. Johnson made a strong plea against such action. He

urged that to raise the siege without striking a blow "would be fatal to the campaign, and would expose our Mexican friends in and around San Antonio de Béxar to the ravages of the enemy, and perhaps drive them from their homes." To go into winter quarters, he said, "would virtually be to break up the army, which was the last hope of Texas." The army, he pointed out, was composed principally of Texans, most of whom had families, and "their want of proper clothing, blankets and tents would be sufficient reason for their returning home, leaving only the volunteers from the United States to maintain a camp." Johnson finally warned the officers that in the event the volunteer army dwindled, "the enemy would not long delay taking advantage of this state of things by marching into the settlements."

Johnson's plea fell upon deaf ears. In justice to the officers it should be said that conditions in the camp were very discouraging. The men were suffering great hardships, for the weather had been bad and they were not properly clothed, and the rations were very irregular. They had not received adequate support from the civil government, and the prospect for improvement in the immediate future was not bright. At Gonzales, nearer to the settlements, these conditions could be remedied, and some of the men could be relieved from duty. To raise the siege, of course, would mean to discredit the whole move against San Antonio, and while undoubtedly there were those who regretted the necessity for such action, there were others who favored it for this very reason. It would mean a distinct triumph for those who had contended all along that the campaign

was a mistake. There seems no doubt that the same influences which had prevented Austin from carrying out his proposal to storm the fortifications were present to some extent in the council. Those who held to the view that San Antonio could not be taken also believed that it was desirable to get rid of the volunteer army as soon as a regular army could be created, and it is not improbable that some of the officers in the council were looking forward to the obtaining of commissions in the regular army. To this element, at least, the argument that the volunteer army was "the last hope of Texas" did not appeal. These men believed, and they probably were right, that the real need of Texas was a well-drilled regular army under a single command, and specifically under Sam Houston's command. But they were probably wrong in thinking such an army could be created in a short time, and they certainly were wrong in believing that the volunteer army could not take San Antonio and drive every Mexican soldier out of Texas. Austin, who knew both the Texans and the Mexicans better than any man in Texas, had sized up the situation correctly in this respect.

Whatever force Johnson's argument that Cos would begin a campaign against the settlements may have had was offset by the belief that the Mexicans could be defeated more easily in the open. However, it should be said that at the very moment the council was being held a new Mexican force of six hundred men was within four days' march of San Antonio, and additional forces were en route to Laredo from the interior. Within a few days after the raising of the siege, Cos's force of nine hundred or a thousand men would thus

be increased to fifteen or sixteen hundred, with other reinforcements within calling distance. Johnson's argument, therefore, had even a stronger base than he was aware of. But the officers had made up their minds, and Johnson had to content himself with casting a lone dissenting vote, thus putting himself on record against the move. The others voted to raise the siege immediately, and as a majority favored concentrating the whole force at Gonzales, it was so decided.

In accordance with this decision, the army was paraded on the morning of December 4, and the order to prepare to break camp and march to Gonzales was communicated to the men. The quartermaster immediately began the work of having the baggage wagons loaded in order to be ready to move with the army the following morning. There was much dissatisfaction among the men over this turn of events, but there was nothing to do but obey orders. It was a rather disappointing ending of the campaign which had been started amid such enthusiasm when the volunteers had set out from Gonzales two months before. As the men worked throughout the morning, getting ready for the march, the realization that all the efforts of those two months had been futile seems to have grown upon many of them. But they worked away and by mid-afternoon most of the baggage wagons were loaded and preparations for the departure nearly completed. Then an incident occurred which changed the whole situation in a few minutes. Amid the confusion of the preparations for the march, there arrived in the camp a Mexican deserter, a lieutenant, who asked to be taken immediately to the headquarters of the commander. Great excite-

ment was caused by his sudden appearance, and most of the army crowded around General Burleson's quarters, where the Mexican was conducted for an interview. The Mexican reported to Burleson that the defenses of San Antonio were weak, that Cos's men were discontented and discouraged, and that the town could be taken easily. Col. Frank Johnson, hearing the message of the Mexican, and noting the excitement of the men, turned to Col. Ben Milam and suggested to him that it would be a good time to call for volunteers to make an attack on the town. "Right now is the proper time!" he said. Milam adopted the suggestion immediately and, turning to the men crowded around Burleson's quarters, he called out in a loud, clear voice, "Who will go with old Ben Milam into San Antonio!" He was greeted by a chorus of "I will!" "Then fall in line," he shouted, and at once more than two hundred men stepped forward and formed in line. From that moment the march to Gonzales was forgotten. The dejection of the morning was immediately turned into wild enthusiasm, and the organization of a volunteer force to attack the town was begun. Milam instructed those who had stepped forward, and any others who might decide to join in the meantime, to assemble at nightfall at an old mill which stood north of town, where he proposed that they should organize and prepare to begin the assault the following morning.

It was thus that it came about that, instead of starting for Gonzales on the morning of December 5, the volunteer army began the memorable battle of San Antonio which was destined to banish every Mexican soldier across the Rio Grande. When Burleson saw

the turn events had taken, he readily agreed, in a conference with Johnson, to hold the rest of his force in reserve outside the town and render every support possible to the attacking party. The men assembled at the old mill, as arranged, and it was found that three hundred and one had responded. This force was divided into two divisions, the first commanded by Colonel Milam, aided by Maj. R. C. Morris, of the New Orleans Grays, and the second commanded by Colonel Johnson, aided by Col. W. T. Austin and Col. James Grant. The first division was composed of the companies of Captains York, Patton, Llewellyn, Crane, English and Landrum, with two pieces of artillery and fifteen artillerymen under Lieutenant-Colonel Franks. The second division was composed of the companies of Captains Cooke, Swisher, Edwards, Alley, Duncan, Peacock, Breece and Placido Benavides. John W. Smith the engineer who had sent Austin the plans of the fortifications, and who had escaped from the town, was chief guide for the first division, and Erastus ("Deaf") Smith was chief guide of the second. These two men knew every inch of San Antonio, and it was in the light of this knowledge that a well-conceived plan of attack was decided upon.

Cos's army was divided into two divisions, one of which occupied the Alamo on the east side of the river, and the other occupied the town, being entrenched in strong positions in the two plazas adjoining the church, which was almost directly opposite the Alamo on the west side of the river. Johnson describes the defenses of these two positions as follows: "Of the armament of the Alamo, it is sufficient to say that it was well

supplied with artillery, but of small caliber—four and six pounders. Of the defences in town, a breastwork and one gun was thrown up at the northeast angle of Constitutional plaza, also a breastwork and gun at the entrance of the street from the Alamo, in Constitutional plaza. At the southeast angle of the same plaza was another breastwork and one gun. At the southwest angle of the Military plaza was another breastwork, and at the northwest angle was erected a breastwork with one gun, and a furnace for heating shot. About midway of this plaza, north boundary, was a redoubt with three guns."

The plan of attack decided upon was to enter the town from the north, the first division advancing along the first street from the river running north from the plaza, and to occupy the house of a family named De la Garza, which was in musket range of the Mexican position, while the second division should advance nearer the river and occupy the house of the Veramendi family, which adjoined that of De la Garza. From these two positions it was proposed to fight their way gradually to the plaza, advancing from house to house. Fronting the plaza were the priest's house and a long structure known as the Zambrano row, which were the final objectives of the Texans, for these two buildings would supply commanding and protected positions in close range of the Mexican batteries in the two plazas.

At three o'clock on the morning of the fifth, Burleson, in cooperation with the forces of Milam and Johnson, sent a detachment under Col. James C. Neill, with a piece of artillery, across the river, with instructions to open an attack on the Alamo promptly at five o'clock,

in order to divert the attention of the Mexicans while the Texan forces were entering the town. This movement was carried out satisfactorily, and Milam and Johnson successfully effected the occupation of the De la Garza and Veramendi houses. Meantime, Burleson moved his whole remaining force, with the exception of a camp guard, to the rendezvous at the old mill to serve as a reserve force for the attacking party.

The story of the four days of fighting which ensued, and in which three hundred Texans were pitted against an entrenched enemy outnumbering them more than three to one, is told in detail in Colonel Johnson's report. Inch by inch, from house to house, they fought, each day bringing them nearer the Mexican position. On December 6 the first advance toward the two plazas was made when one house forward was gained. On the seventh a second house was occupied in the morning, and that night about ten o'clock another house, still nearer the plaza, was taken. On the afternoon of the seventh, while passing through the yard of a house occupied by Johnson, Ben Milam, the beloved commander who had inspired the attack, was shot down by an enemy rifleman and instantly killed. This calamity cast a feeling of gloom over the Texans, but increased their determination. The Masons in the army took charge of Milam's body, and he was buried with military honors in the yard of the Veramendi house. The officers held an election and Johnson was chosen commander in Milam's place, with Major Morris, of the New Orleans Grays, second in command. On the morning of the eighth, about nine o'clock, an assault on the Zambrano row was begun. From room to room,

and apartment to apartment, the Texans fought, every inch of the ground being disputed by the enemy. Using logs, ten or twelve feet long, as battering rams, they made openings in the walls which divided the apartments along the row and, fighting hand to hand with the Mexicans, moved steadily nearer and nearer the Military plaza, which the Zambrano row faced. By nightfall the enemy was driven from the last apartment, and the Texans were in full possession of a strong position commanding the Military plaza. The Mexican position in this plaza was thus made untenable, and it was evacuated. Before midnight the priest's house was taken by assault and the advantage of the Texans was complete.

The detailed story of the battle is best told in the words of Colonel Johnson, who reported it to General Burleson immediately after it was over. The report in full follows:

"I have the honor to acquaint you that on the morning of the 5th instant the volunteers for storming the city of Béxar, possessed by the troops of General Cos, entered the suburbs in two divisions, under the command of Colonel Benjamin R. Milam—the first division under his immediate command, aided by Major R. C. Morris, and the second under my command, aided by Colonels Grant and Austin, and Adjutant Bristow.

"The first division, consisting of the companies of Captains York, Patton, Llewellyn, Crane, English and Landrum, with two pieces and fifteen artillerymen, commanded by Lieutenant-Colonel Franks, took possession of the house of Don Antonio de la Garza. The second division, composed of the companies of Captains

Cooke, Swisher, Edwards, Alley, Duncan, Peacock, Breece and Placido Benavides, took possession of the house of Veramendi. The last division was exposed for a short time to a very heavy fire of grape and musketry from the whole of the enemy's line of fortification, until the guns of the first division opened their fire, when the enemy's attention was directed to both divisions. At seven o'clock a heavy cannonading from the town was seconded by a well-directed fire from the Alamo, which for a time prevented the possibility of covering our lines, or effecting a safe communication between the two divisions. In consequence of the twelve-pounder having been dismounted, and the want of proper cover for the other gun, little execution was done by our artillery during the day. We were, therefore, reduced to a close and well-directed fire from our rifles, which, notwithstanding the advantageous position of the enemy, obliged them to slacken their fire, and several times to abandon their artillery within range of our shot. Our loss during this day was one private killed, one colonel and one first lieutenant severely wounded; one colonel slightly, three privates dangerously, six severely, and three slightly. During the whole of the night the two divisions were occupied in strengthening their positions, opening trenches, and effecting a safe communication, although exposed to a heavy cross fire from the enemy, which slackened toward morning. I may remark that the want of proper tools rendered this undertaking doubly arduous. At daylight of the 6th, the enemy were observed to have occupied the tops of the houses in our front, where, under the cover of breastworks, they opened through loopholes a very brisk

fire of small-arms on our whole line, followed by a steady cannonading from the town, in front, and the Alamo on the left flank, with few interruptions during the day. A detachment of Captain Crane's company, under Lieutenant W. McDonald, followed by others, gallantly possessed themselves, under severe fire, of the house to the right, and in advance of the first division, which considerably extended our line; while the rest of the army was occupied in returning the enemy's fire and strengthening our trenches, which enabled our artillery to do some execution, and complete a safe communication from right to left. Our loss this day amounted to three privates severely wounded, and two slightly.

"During the night the fire from the enemy was inconsiderable, and our people were occupied in making and filling sand-bags, and otherwise strengthening our lines. At daylight on the 7th it was discovered that the enemy had, during the night previous, opened a trench on the Alamo side of the river, and on the left flank, as well as strengthening their battery on the cross street leading to the Alamo. From the first they opened a brisk fire of small-arms; from the last a heavy cannonade, as well as small-arms, which was kept up until eleven o'clock, when they were silenced by our superior fire. About twelve o'clock Henry Carns, of Captain York's company, exposed to a heavy fire from the enemy, gallantly advanced to a house in front of the first division, and with a crowbar forced an entrance, into which the whole of the company immediately followed him, and made a secure lodgment. In the evening, the enemy renewed a heavy fire from all the

positions which could bear upon us; and at half-past three o'clock, as our gallant commander, Colonel Milam, was passing into the yard of my position, he received a rifle-shot in the head, which caused his instant death; an irreparable loss at so critical a moment. Our casualties, otherwise, were only two privates slightly wounded.

"At a meeting of officers, held at seven o'clock, I was invested with the chief command, and Major Morris as my second. At ten o'clock P. M., Captains Llewellyn, English, Crane and Landrum, with their respective companies, forced their way into and took possession of the house of Don J. Antonio Navarro, an advanced and important position close to the square. The fire of the enemy was interrupted and slack during the night, and the weather exceedingly cold and wet.

"The morning of the 8th continued cold and wet, and but little firing on either side. At nine o'clock the same companies who took possession of Don J. Antonio Navarro's house, aided by a detachment of the Grays, advanced and occupied Zambrano's Row, leading to the square, without any accident. The brave conduct, on this occasion, of William Graham, of Cooke's company of Grays, merits mention. A heavy fire of artillery and small arms was opened on this position by the enemy, who disputed every inch of ground, and after suffering a severe loss in officers and men, were obliged to retire from room to room, until at last they evacuated the whole house. During this time our men were reinforced by a detachment from York's company, under command of Lieutenant Gill.

"The cannonading from the camp was exceedingly heavy from all quarters during the day, but did no

essential damage. Our loss consisted of one captain seriously wounded, and two privates severely. At seven o'clock P. M., the party in Zambrano's Row were reinforced by Captains Swisher, Alley, Edwards and Duncan, and their respective companies.

"This evening we had undoubted information of the arrival of strong reinforcements of the enemy, under Colonel Ugartechea. At 10:30 o'clock P. M., Captains Cooke and Patton, with the company of New Orleans Grays and a company of Brazoria volunteers, forced their way into the priest's house in the square, although exposed to the fire of a battery of three guns and a large body of musketeers. Before this, however, the division was reinforced from the reserve by Captains Chesire, Lewis and Sutherland, with their companies.

"Immediately after we got possession of the priest's house, the enemy opened a furious cannonade from all their batteries, accompanied by incessant volleys of small arms, against every house in our possession and every part of our lines, which continued unceasingly until 6:30 a. m. of the 9th, when they sent a flag of truce, with an intimation that they desired to capitulate. Commissioners were immediately named by both parties, and herewith I accompany you a copy of the terms agreed upon Our loss in this night-attack consisted in only one—Belden, of the Grays, dangerously wounded while in the act of spiking a cannon.

"To attempt to give you a faint idea of the intrepid conduct of the gallant citizens who formed the division under my command, during the whole period of the attack, would be a task of no common nature, and far

above the power of my pen. All behaved with the bravery peculiar to freemen, and with a decision becoming the sacred cause of Liberty.

"To signalize every individual act of gallantry, where no individual was found wanting to himself or to his country, would be a useless and endless effort. Every man has merited my warmest approbation, and deserves his country's gratitude.

"The memory of Colonel B. R. Milam, the leader of this daring and successful attack, deserves to be cherished by every patriotic bosom in Texas.

"I feel indebted to the able assistance of Colonel Grant (severely wounded the first day), Colonel Austin, Majors Morris and Moore, Adjutant Bristow, Lieutenant-Colonel Franks of the artillery, and every captain —names already given—who entered with either division, from the morning of the 5th until the day of capitulation.

"Dr. Cameron's conduct, during the siege and treaty of capitulation, merits particular mention. The guides, Erastus Smith, Norwich, Arnold and John W. Smith, performed important service; and I cannot conclude without expressing my thanks to the reserve under your command for such assistance as could be afforded me during our most critical movements.

"The period put to our present war by the fall of San Antonio de Béxar will, I trust, be attended with all the happy results to Texas which her warmest friends could desire."

So it was that a force of Texans which at no time during the fighting numbered more than three hundred and

fifty men, performed the feat which the officers of the volunteers refused to undertake scarcely two weeks before, with nearly twice as many men, when Austin ordered an assault. Indeed, the Mexican force was stronger before the battle was over, for the long expected reinforcements, consisting of six hundred men, arrived at San Antonio on December 8. Upon receipt of the news that Cos had capitulated, Burleson, who had cooperated with the attacking force from outside the town, and had sent in provisions constantly and reinforcements on one occasion, went immediately to Johnson's headquarters. The terms arranged provided that Cos should withdraw beyond the Rio Grande with his entire force, and that they should not in any way oppose the restoration of the constitution of 1824. Eleven hundred and five men left with Cos. A detachment of one hundred and seventy-nine men and six officers had deserted and fled to the Rio Grande just before Cos surrendered, and allowing for killed and wounded and other desertions, his total force must have been fifteen or sixteen hundred strong. The articles of capitulation, which seem to have been signed on December 10, but which are dated December 11, follow:

"*Capitulation entered into by General Martin Perfecto de Cos, of the permanent troops, and General Edward Burleson, of the colonial troops of Texas.*

"Being desirous of preventing the further effusion of blood and the ravages of civil war, have agreed on the following stipulations:

"1st. That General Cos and his officers retire with their arms and private property into the interior of the

republic under parole of honor; and that they will not in any way oppose the reestablishment of the federal constitution of 1824.

"2d. That the one hundred infantry lately arrived with the convicts, the remnant of the battalion of Morelos, and the cavalry, retire with the General, taking their arms, and ten rounds of cartridges for their muskets.

"3d. That the General take the convicts brought in by Colonel Ugartechea beyond the Rio Grande.

"4th. That it is discretionary with the troops to follow their General, remain, or go to such point as they may deem proper; but in case they should all or any of them separate, they are to have their arms, etc.

"5th. That all public property, money, arms and munitions of war, be inventoried and delivered to General Burleson.

"6th. That all private property be restored to its proper owners.

"7th. That three officers of each army be appointed to make out the inventory and see that the terms of capitulation are carried into effect.

"8th. That three officers on the part of General Cos remain for the purpose of delivering up the said property, stores, etc.

"9th. That General Cos, with his force, for the present occupy the Alamo, and General Burleson with his force occupy the town of Béxar, and that the soldiers of neither party pass to the other armed.

"10th. General Cos shall, within six days from the date hereof, remove his force from the garrison he now occupies.

"11th. In addition to the arms before mentioned, General Cos shall be permitted to take with his force a 4-pounder and ten pounds of powder and ball.

"12th. The officers appointed to make the inventory and delivery of the stores, etc., shall enter upon the duties to which they have been appointed forthwith.

"13th. The citizens shall be protected in their persons and property.

"14th. General Burleson will furnish General Cos with such provisions as can be obtained, necessary for his troops to the Rio Grande, at the ordinary price of the country.

"15th. The sick and wounded of General Cos's army, together with a surgeon and attendants, are permitted to remain.

"16th. No person, either citizen or soldier, to be molested on account of his political opinions hitherto expressed.

"17th. That duplicates of this capitulation be made out in Castilian and English, and signed by the commissioner appointed, and ratified by the commanders of both armies.

"18th. The prisoners of both armies, up to this day, shall be put at liberty.

"The commissioners, José Juan Sánchez, Adjutant-Inspector; Don Ramón Músquiz and Lieutenant Francisco Rada, and Interpreter Don Miguel Arcinega, appointed by the Commandant and Inspector, General Martín Perfecto de Cos, in connection with Col. F. W. Johnson, Major R. C. Morris and Capt. J. G. Swisher and Interpreter John Cameron, appointed on the part

of General Edward Burleson, after long and serious discussion, adopted the eighteen preceding articles, reserving their ratification by the Generals of both armies.

"In virtue of which we have signed this instrument, in the city of Béxar, on the 11th of December, 1835.

Jose Juan Sanchez,	F. W. Johnson,
Ramon Musquiz,	Robert C. Morris,
J. Francisco de Rada,	James G. Swisher,
Miguel Arcinega,	John Cameron,
Interpreter.	Interpreter.

"I consent to, and will observe, the above articles.

Martin Perfecto de Cos.

"Ratified and approved.

Edward Burleson,

Commander in Chief Volunteer Army."

The stipulations of this treaty of capitulation were complied with by General Cos as rapidly as possible and on December 15 he began his march to the Rio Grande. On December 14 General Burleson sent a formal communication to Governor Smith, reporting the fall of San Antonio and transmitting Johnson's report, and the next day he retired from the army, handing over the command to Johnson. "Tomorrow I leave the garrison and town under the command of Colonel Johnson," he wrote the governor, "with sufficient number of men and officers to sustain the same, in case of attack, until assisted from the colonies; so that your excellency may consider our conquest as sufficiently secured against every attempt of the enemy. The rest of the army will retire to their homes."

The news of the fall of San Antonio reached San Felipe ahead of Burleson's report, however, and was

received with rejoicing. The members of the general council, without awaiting formal notification, drew up an address to the volunteer army on December 15, expressing in enthusiastic language the gratitude of the people, and dispatched it at once to San Antonio. It was directed to: "General Edward Burleson, Colonel F. W. Johnson and all the brave officers and soldiers of the citizen volunteer army in Béxar," and read as follows:

"FELLOW-CITIZENS: The Representatives of your General Council were this hour greeted with the welcome intelligence of your glorious victory and triumphant conquest over the post of Béxar, with all your enemies prisoners, together with all the arms, munitions and provisions. We expected no less from our heroic citizens and brave compatriots of our northern brethren. We felt that you were invincible, and that our enemies, although greatly outnumbering you, must yield to the sons of freedom. Their cause is that of oppression and tyranny, ours that of liberty and equal rights. They are but the hireling slaves of an usurper. You are the brave sons of Washington and freedom, and you have proved yourselves worthy of your glorious origin. You have fulfilled the expectations of your country, and the hopes of all the lovers of liberty on earth. Your Representatives extend to you the cordial hand of congratulation and gratitude as well in behalf of our fellow-citizens and our families, as for themselves. You have valiantly acquitted yourselves of the high trust which your country's danger caused you to assume, and your names will be enrolled in the first pages of your country's history of heroes, as well as imprinted on the hearts of your

fellow citizens. But in the midst of joy there is mourning, and while we shout your victory, the tears of holy sorrow bedew our faces. The brave and heroic Milam has fallen in the arms of victory and the cause of his injured country. In him we have lost a precious gem from the casket of brilliant heroes. God rest his soul! while his memory shall survive as long as a freeman has a standing in Texas.

"Other brave men have also mingled their blood with their country's sacrifices. Their honor is imperishable. That your first noble example may be followed is the ardent wish of your Representatives, whose efforts in their sphere have been anxiously directed for your aid and comfort; and had your country's means at command been equal to her generous gratitude your every want had been promptly supplied.

"Citizen soldiers, many of you have long been in the field of honor and of danger, separated from your families and your homes. A respite from your labors and your privations must be desirable; and it is reasonable, in anticipation of this glorious event to be achieved by your arms. Your government has been solicitously engaged in organizing a regular army, upon a proper footing, together with provisions for an auxiliary volunteer corps, that you might be released and get rest among your families and friends, until the future calls of your country again place you in defense of her and your just rights. To such calls you have always proved your hearty response. We address you in much haste, but with feelings not to be repressed. Your joy is our joy, your sorrows, our sorrows; and with assurance of un-

abating sympathies with you, and all our fellow citizens in the present glorious epoch in our country's annals,

"We are truly your

"FELLOW CITIZENS AND FRIENDS."

General Cos and his defeated army reached the Rio Grande on Christmas day. Two days later he was joined there by reinforcements on their way to San Antonio, consisting of fifteen hundred men from Zacatecas under General Ramírez y Sesma, and the latter, learning that San Antonio was in the hands of the Texans, halted at Laredo for instructions from Santa Anna. Santa Anna, who had come from his retirement to conduct the campaign against Texas in person, was at San Luis Potosí, from which place he issued orders on December 28 for Cos to continue his retreat to Monclova, and for Ramírez y Sesma to take up a position at San Juan Bautista on the Rio Grande, about eighty miles from Laredo. Thus the last Mexican soldier left Texas soil. But Santa Anna began immediately to organize a force for a new invasion. There was much fighting still ahead of the Texans.

CHAPTER XXXVII.

THE CHOICE BEFORE TEXAS.

THE man to whom the consultation had entrusted the task of creating a regular army for Texas was Sam Houston, who had played such an important part in maintaining harmony of action among the delegates. He was selected commander in chief on November 12, but for the time being he was a commander without any subordinates to command. The undefined relation of the volunteer army to the provisional government placed Houston in such a position that his hands were tied. The volunteers did not regard themselves as subject to his orders, and it was perhaps but natural that some of the officers who had seen service around San Antonio, and who had vested interests in Texas, should look upon him as an interloper—an adventurer and place-seeker—to be got rid of as soon as possible, and not to be taken seriously in the meantime. While Houston was the kind of man to appeal strongly to the imagination of the average frontiersman, he was also the kind of man in whom ambitious rivals could see grievous faults, without discovering his virtues, and thus believe conscientiously that the best interests of the country would be served by his elimination. By heightening the dark spots in his career from the time he had left the office of governor of Tennessee until the time of his election as commander in chief, it was possible to make him out an altogether disreputable character, and there were those in Texas who

sincerely regarded him as such. All of this, and the added fact that he had done nothing to assist in the campaign against San Antonio, made Houston's situation extremely difficult. It is plain today, though there were good men who could not see it at the time, that he was preeminently the one man, among all who were available, who was most capable of bringing order out of the chaos that was developing and putting Texas in a condition of defense. The peculiar difficulties he faced make this fact stand out all the more strikingly.

One difficulty he encountered at the outset was the lack of a disposition to whole-hearted cooperation on the part of the general council. A whole month passed after his election as commander in chief before he was provided with even the preliminary machinery to make a start at organizing the regular army, and in the meantime he was compelled to sit patiently and twirl his thumbs, so to speak. The general council had taken up the question immediately after the provisional government was organized, and, on November 21 the committee on military affairs reported a plan for the organization of the army which was adopted. But it was not until a month later that all the legislative provisions necessary to a recruiting campaign were completed. The consultation had provided that the regular army should consist of eleven hundred and twenty men, and the plan adopted by the council divided these into two regiments, one of infantry and the other of artillery, each regiment to be composed of two battalions, and each battalion to be made up of five companies of fifty-six men each. The field officers of the infantry were to be one colonel, one lieutenant-colonel

and one major, and those of the artillery, one colonel, two lieutenant-colonels and two majors. Having adopted this plan, the council made no immediate move to complete the organization by naming the field and company officers, in spite of the fact that Governor Smith, in response to requests from Houston, urged upon the members of that body the importance of doing so. On November 28 the council named Philip A. Sublett as colonel of the infantry, with Henry Millard as lieutenant-colonel and William Oldham as major. The field officers of the artillery and the company officers of both infantry and artillery were not named, and when Houston complained of the delay in a letter to Governor Smith, which the latter transmitted to the council, the military committee replied that it was making progress as rapidly as could be expected, and that furthermore it did not believe it good policy to fill all the places. To do so would be to shut the door to advancement in the faces of men who might come from the United States if they were assured of promotion in recognition of services. This was in accordance with the view of Fannin, as expressed in a letter to the council, who believed that graduates of West Point could be attracted to Texas if the way to advancement were left open. On December 7 and 8 the field officers of the artillery were named, as follows: James W. Fannin, Jr., colonel; James C. Neill and David B. Macomb, lieutenant-colonels, and W. B. Travis and T. F. L. Parrott, majors. Incidentally, Travis declined this appointment and subsequently F. W. Johnson was named in his place. In like manner Sublett declined the appointment as colonel of the infantry and Burleson was named in his place. But

the council again delayed naming all of the company officers, and again Houston wrote to Governor Smith complaining of the delay. Finally, on December 11 the council completed the roster of company officers, and the next day Houston issued his first proclamation inviting recruits.

This proclamation was an eloquent appeal to the people of Texas, calculated to impress them with the seriousness of their situation and the importance of responding to the call of their country. It was written without the knowledge that Cos had capitulated and was preparing to leave Texas, but the picture of the emergency which it presented was not overdrawn. It was as follows:

"HEADQUARTERS, WASHINGTON, TEXAS,
"December 12, 1835.

"Citizens of Texas:

"Your situation is peculiarly calculated to call forth all your manly energies. Under the republican constitution of Mexico, you were invited to Texas, then a wilderness. You have reclaimed and rendered it a cultivated country. You solemnly swore to support the constitution and its laws. Your oaths are yet inviolate. In accordance therewith you have fought with the liberals against those who sought to overthrow the constitution in 1832, when the present usurper was the champion of liberal principles in Mexico. Your obedience has manifested your integrity. You have witnessed with pain the convulsions of the interior, and a succession of usurpations. You have experienced in silent grief the expulsion of your members elect from the state congress.

"You have realized the horrors of anarchy and the

dictation of military rule. The promises made to you have not been fulfilled. Your memorials for the redress of grievances have been disregarded; and the agents you have sent to Mexico have been imprisoned for years, without enjoying the rights of trial agreeably to law. Your constitutional executive has been deposed by the bayonets of a mercenary soldiery, while your congress has been dissolved by violence, and its members, either fled, or were arrested by the military force of the country. The federation has been dissolved, the constitution declared at an end, and centralism has been established. Amid all these trying vicissitudes you remained loyal to the duty of citizens, with a hope that liberty would not perish in the republic of Mexico. But while you were fondly cherishing this hope, the dictator required the surrender of the arms of the civic militia, that he might be enabled to establish on the ruins of the constitution a system of policy which would forever enslave the people of Mexico. Zacatecas, unwilling to yield her sovereignty to the demand which struck at the root of all liberty, refused to disarm her citizens of their private arms. Ill-fated state! Her power, as well as her wealth, aroused the ambition of Santa Anna and excited his cupidity. Her citizens became the first victims of his cruelty, while her wealth was sacrificed in payment for the butchery of her citizens. The success of the usurper determined him in exacting from the people of Texas submission to the central form of government; and, to enforce his plan of despotism, he despatched a military force to invade the colonies, and exact the arms of the inhabitants. The citizens refused the demand

and the invading force was increased. The question then was, 'Shall we resist the oppression and live free, or violate our oaths and bear a despot's stripes?' The citizens of Texas rallied to the defense of their rights. They have met four to one and, by their chivalry and courage, have vanquished the enemy with a gallantry and spirit which is characteristic of the justice of our cause.

"The army of the people is now before Béxar, besieging the central army within its wall. Though called together at the moment, the citizens of Texas, unprovided as they were in the necessary munitions of war and supplies for an army, have maintained a siege for months. Always patient and untiring in their patriotism and zeal in the cause of liberty, they have borne every vicissitude of season and every incident of the soldier, with a contempt of peril that reflects immortal honor on the members of the army of the people.

"Since our army has been in the field, a consultation of the people, by their representatives, has met, and established a provisional government. This course has grown out of the emergencies of the country; the army has claimed its peculiar care. We are without law, and without a constitutional head. The provincial executive and the general council of Texas are earnestly engaged in the discharge of their respective duties, preparing for every exigency of the country; and I am satisfied, from their zeal, ability and patriotism, that Texas will have everything to hope from their exertions in behalf of the principles which we have avowed.

"A regular army has been created, and liberal encouragement has been given by the government. To all

who will enlist for two years, or during the war, a bounty of twenty-four dollars and eight hundred acres of land will be given. Provision has also been made for raising an auxiliary volunteer corps, to constitute part of the army of Texas, which will be placed under the command and subject to the orders of the commander in chief. The field for promotion will be open. The terms of service will be various. For those who tender their services for or during the war, will be given the bounty of six hundred and forty acres of land; an equal bounty will be given to those who volunteer their services for two years; if for one year, a bounty of three hundred and twenty acres; and for those who may volunteer for a shorter period, no bounty of land will be given, but the same liberal pay, rations, etc., will be allowed them as other members of the army. The rights of citizenship are extended to all who will unite with us in defending the republican principles of the constitution of 1824.

"Citizens of Texas, your rights must be defended. The oppressors must be driven from our soil. Submission to the laws and union among ourselves will render us invincible; subordination and discipline in our army will guarantee to us victory and renown. Our invader has sworn to exterminate us or sweep us from the soil of Texas. He is vigilant in his work of oppression and has ordered to Texas ten thousand men to enforce the unhallowed purposes of his ambition. His letters to his subalterns in Texas have been intercepted, and his plans for our destruction are disclosed. Departing from the chivalric principles of civilized warfare, he has ordered arms to be distributed to a portion of our population,

for the purpose of creating in the midst of us a servile war. The hopes of the usurper were inspired by a belief that the citizens of Texas were disunited and divided in opinion; that alone has been the cause of the present invasion of our rights. He shall realize the fallacy of his hopes, in the union of her citizens and their external resistance to his plans against constitutional liberty. We will enjoy our birthright or perish in its defense.

"The services of five thousand volunteers will be accepted. By the first of March next we must meet the enemy with an army worthy of our cause, and which will reflect honor upon our freemen. Our habitations must be defended; the sanctity of our hearths and firesides must be preserved from pollution. Liberal Mexicans will unite with us. Our countrymen in the field have presented an example worthy of imitation. Generous and brave hearts from a land of freedom have joined our standard before Béxar. They have, by their heroism and valor, called forth the admiration of their comrades in arms, and have reflected additional honor on the land of their birth. Let the brave rally to our standard.

"Sam Houston,
"Commander in Chief of the Army."

As stated in this appeal, the council had also provided for "an auxiliary volunteer corps of the army of Texas." The ordinance establishing this corps, which was differentiated from the regular army in that the men would have the right to elect their officers, was passed on December 5, in accordance with a suggestion from Fannin. This ordinance did provide, as Houston pointed out, that the auxiliary corps should be under the command and subject to the orders of the commander in chief, a fact

which should be noted now because it subsequently became important. In addition to this auxiliary corps, the council, acting upon a suggestion made by Travis, passed an ordinance on December 16 creating a cavalry force of three hundred and eighty-four men, divided into six companies, with Travis in command with the rank of colonel. Besides these forces, the council provided for three companies of rangers, aggregating one hundred and sixty-eight men, and R. M. Williamson was placed in command of them, with the rank of major. Before the end of December, therefore, all legislative provisions for the creation of an army had been made. The army was thus organized on paper, but bringing it into actual being was quite another matter, as shall be seen in due course.

Meantime, the big question of money had to be considered. The council had early tackled this question and had devised certain methods of raising revenue, including a tariff on imports, but none of these promised to yield much cash. It was to loans from people in the United States that it was necessary to look for any large amount of money in time to be of any use in placing Texas in a condition of defense. This was the chief reason the consultation had decided to send commissioners to the United States, but the council had delayed providing the commissioners with proper instructions. William H. Wharton, one of the commissioners, at first declined to serve, giving as his reason the fact that the consultation's declaration of causes was such that no financial support could be obtained in the United States. He believed that an immediate declaration of independence was necessary, and to this end advocated the calling

of another convention without delay. Austin, as has been seen, was dissatisfied with the character of the declaration also, but for different reasons. He was not convinced that the time had come for an out-and-out declaration of independence, and in the meantime he felt that Texas should stand on its legal rights as a political entity and sustain those rights against the usurping centralists. These two men were not as far apart as it seemed at the time, and as both believed, and they had no difficulty in getting together once Austin became convinced that there was nothing to be gained by delaying the declaration of independence any longer. But for a short while they were at daggers' points, so to speak, and Wharton's activities in favor of an immediate declaration of independence very nearly resulted in Austin's resignation from the commission. Wharton was induced to reconsider his decision to withdraw, and Austin agreed to go on the mission out of a sense of duty. "I go on this mission from a sense of duty," wrote the latter. "It is a bad example for anyone to refuse the call of the people when the country is in difficulty." Austin came to Wharton's point of view immediately after the arrival of the commission at New Orleans, for he quickly realized that Wharton was right in thinking that a declaration of independence would make it easier to obtain financial support among Americans. Moreover, it became plain about that time that no help could be expected from the liberals in Mexico, and that Santa Anna had succeeded in giving a nationalistic character to the whole question of dealing with the Texans. On the other hand, Wharton came to know Austin better during their association in the United States, and it is

significant that he was among those who strongly urged Austin to be a candidate for president of the republic after their return. There is hardly a more striking case in history where two men completely misunderstood each other from the highest motives than that of Stephen F. Austin and William H. Wharton, but because they were both whole-heartedly devoted to the cause of Texas they finally found themselves on common ground.

The delay in getting the commissioners started on their journey was caused by a difference of opinion between the council and the governor as to which should draft the instructions. On November 21 a special committee reported to the council that this was the governor's duty, but the governor insisted that the council should undertake the task. Meantime, however, the council took up consideration of a bill authorizing a loan of a million dollars. After passing this bill to its third reading, the council let the matter rest for several days. Finally, on December 4 Governor Smith sent a strong message to the council urging immediate action on the whole question of the loan and the instructions of the commissioners. "It must be acknowledged by all," he said, "that our only succor is expected from the East, where as yet we have not dispatched our agents. Sufficient time has elapsed since the rising of the convention for them, by this time, to have arrived in the United States. They have called on me in vain, day after day, time after time, for their dispatches. . . . and they are not yet ready. I say to you, the fate of Texas depends upon their immediate dispatch and success. . . . Permit me to beg of you a suspension of all other business until our Foreign Agents are dispatched."

The council acted immediately, and finally passed the bill authorizing the loan the same day. Next day, December 5, it adopted a draft of instructions to the commissioners, and Governor Smith promptly approved both measures. The bill authorizing the loan provided that the governor should make out ten bonds of one hundred thousand dollars each to be handed to the commissioners with instructions to make the best bargain possible, but not to exceed the rate of ten per cent interest. The bill also provided that in the event additional security was necessary the commissioners were authorized to hypothecate the public lands. The instructions to the commissioners authorized and directed them to (1) negotiate a loan, (2) to make arrangements for fitting out a naval force, (3) to procure supplies for the army, (4) to receive donations, and (5), to go to Washington and ascertain the attitude of the United States government toward Texas. Thus all the arrangements for the departure of the commissioners were completed.

On December 11, on the eve of their departure, the council adopted the following resolution with respect to the services of Austin to Texas:

"Resolved, by the general council of the provisional government of Texas: That as our highly-esteemed and patriotic fellow-citizen, General Stephen F. Austin, is about again to leave the country, to subserve her interests, and give a higher tone to her destinies, in the land of our nativity, as the friend and public agent of Texas, the grateful respects of this council, for themselves, and in behalf of their fellow-citizens, be tendered to General Austin; and that in rendering him this just tribute of affection we are impressed with a deep sense of his past

suffering and privations, while laboring in our cause and for our good, in the City of Mexico, and sympathize in his afflictions and almost broken constitution, consequent upon a long and painful confinement, for boldly standing forth for the rights of Texas in the stronghold of her oppressor; and that we congratulate our country on being possessed of such an agent to represent us among the sons of the North, in whose aid we repose the strongest hopes in our present struggle for freedom and existence; and that we extend to him the hand of parting love and greeting, with hopes of his success and speedy return to the bosom of his grateful countrymen; and that a copy of this resolution, signed by the officers and members of the general council be presented General Austin before he parts from us to accomplish the wishes and hopes of his friends."

This resolution was signed by the members of the council, as follows: James W. Robinson, lieutenant-governor and ex-officio president of the general council; R. R. Royall, J. Antonio Padilla, James Kerr, William Menifee, J. D. Clements, Lewis Ayres, D. C. Barrett, Daniel Parker, Henry Millard, Ira Westover, Wyatt Hanks, W. P. Harris, James Powers, Claiborne West and E. M. Pease, secretary of the general council.

The three commissioners—Austin, Wharton and Dr. Branch T. Archer—sailed from Quintana on December 27 and arrived at New Orleans on January 4. They were greeted with such enthusiasm by the people of that city that Austin was amazed at it. He had expected to find friends for the cause of Texas, but he had not expected a favorable sentiment so general. After three days in the city he resolved the last doubt he had held

with respect to the advisability of a formal declaration of independence, and accordingly he wrote immediately to Sam Houston, whom he had come to recognize as the man most likely to unite the Texans, and urged that there be no further delay in making such a declaration. His letter to Houston, dated January 7, 1836, was as follows:

"In all our Texas affairs, as you are well apprised, I have felt it to be my duty to be very cautious in involving the pioneers and actual settlers of that country by any act of mine until I was fully and clearly convinced of its necessity, and of the capabilities of our resources to sustain it. Hence it is that I have been censured for being over-cautious. When the whole fate of a people is in question, it is difficult to be over-cautious or to be too prudent.

"Besides these general considerations, there are others which ought to have weight with me individually. I have been, either directly or indirectly, the cause of drawing many families to Texas, also the situation and circumstances in which I have been placed have given considerable weight to my opinions. This has thrown a heavy responsibility upon me—so much so that I have considered it to be my duty to be prudent, and even to control my own impulses and feelings; these have long been impatient under the state of things which has existed in Texas, and in favor of a radical change. But I have never approved of the course of forestalling public opinion by party or partial meetings or by management of any kind. The true course is to lay facts before the people, and let them judge for themselves. I have en-

deavored to pursue this course. A question of vital importance is yet to be decided by Texas, which is a declaration of independence.

"When I left there I was of opinion that it was premature to stir this question, and that we ought to be very cautious of taking any steps that would make the Texas war purely a national war, which would unite all parties against us instead of its being a party war, which would secure us the aid of the Federal party. In this I acted contrary to my own impulses, for I wish to see Texas free from the trammels of religious intolerance and other anti-republican restrictions, and independent at once; and, as an individual, have always been ready to risk my all to obtain it; but I could not feel justifiable in precipitating and involving others until I was fully satisfied that they would be sustained.

"Since my arrival here I have received information which has satisfied me on this subject. I have no doubt we can obtain all and even much more aid than we need. I now think the time has come for Texas to assert her natural rights, and were I in the convention I would urge an immediate declaration of independence. I form this opinion from the information now before me. I have not heard of any movement in the interior by the Federal party in favor of Texas, or of the Constitution; on the contrary, the information from Mexico is that all parties are against us, owing to what already has been said and done in Texas in favor of independence; and that we have nothing to expect from that quarter but hostility. I am acting on this information, if it be true, and I have no reason to doubt it. Our present position in favor of the republican principles

of the Constitution of 1824 can do us no good, and it is doing us harm by deterring those kinds of men joining us who are most useful. I know not what information you may have in Texas as to the movements of the Federal party in our favor, nor what influences they ought to have on the decision of this question, this being a matter which the convention alone can determine. I can only say that, with the information now before me, I am in favor of an immediate declaration of independence.

"Santa Anna was at San Luis Potosí, according to the last accounts, marching on rapidly with a large force against Texas. We must be united and firm, and look well to the month of March and be *ready!* I shall try to be home by that time."

The next day he added a postscript to this letter as follows:

"This day we concluded a conditional loan for two hundred thousand dollars, which, perhaps, may be augmented fifty thousand more; we can only get ten per cent advanced now, which is all we can raise at present at this place. Houston and Wharton will commence their purchases tomorrow. Flour is eight dollars, but we shall send about seven hundred barrels, two hundred of bread and some beans.

"Should a declaration of independence be made, there ought to be no limits prescribed to the southwest or northwest; the field should be left open for an extension beyond the Rio Grande, and to Chihuahua and New Mexico."

This letter and others like it which Austin wrote to friends in Texas during the next two weeks are among

the most important documents in the history of Texas. Taken together with Austin's report to the council immediately after he surrendered his command of the volunteer troops and his letters to members of the council at that time, they refute absolutely the various versions of the Texas revolution which became popular and widely believed in the United States during the period of the Mexican war and subsequently. These versions of the separation of Texas from Mexico pictured it as the result of a plot of the Southern slaveowners to obtain more territory out of which to carve slave states, or as the violent seizure of Mexican territory by irresponsible adventurers worthy of no consideration by the United States. In the light of the story which has been unfolded in these pages, every phase of which has been supported by documentary evidence, none of these versions is tenable today. They still are repeated by some American historians, and it is time that they should be seen in their true light. It is true that there were Southern politicians who favored the acquisition of Texas by the United States because of the effect it would have in furthering the interests of the institution of slavery. It is true also that among the large number of Americans who came to Texas there were adventurers who had no respect for Mexican sovereignty and who looked forward from the very first to the time when Texas should be separated from Mexico by force of arms. It is even true that for a time Sam Houston contemplated some such scheme. But while all this is true, none of it had any decisive effect upon the Texas revolution, nor upon the final separation of Texas from Mexico. The real causes of

the final break were those which prompted the decision of Stephen F. Austin. Never has a foreign-born citizen of any country sought in the face of difficulties to be a loyal and patriotic citizen of his adopted country with such persistent patience, such untiring zeal and such tolerant recognition of the shortcomings of his rulers as did this man. When Stephen Austin announced publicly in favor of a declaration of independence it removed any doubt that might have existed as to the legitimacy of such a course. There have been Texas historians who have shown a disposition to blame Austin for his attitude toward Mexico, and there were those among his contemporaries who branded him as pro-Mexican in sentiment. Today, however, it is seen that the naked narrative of Austin's career, from June 16, 1821, when he first set foot on the soil of Texas, until January 7, 1836, when he declared in favor of the permanent separation of Texas from Mexico, is the best answer, and a decisive answer, to those who picture the annexation of Texas to the United States as the fruit of a policy of imperialism on the part of the American government, fostered by a political power supporting the institution of slavery. It is clear today that the true tradition of Texas, down to the very moment of independence, follows the course of Stephen Austin's career.

Austin's attitude up to the time of this pronouncement was that everything possible should be done to secure the rights of the people of Texas without separating from Mexico. He placed the rights of the people of Texas above Mexican sovereignty, but if those rights could be preserved without destroying Mexican

sovereignty over Texas this should be done. If they could not be preserved under Mexican sovereignty, then they should be preserved by separating from Mexico. This latter course could be taken when no other was open. On December 22, on the eve of his departure from the United States, he stated this position clearly in a letter from Velasco. "As to independence," he wrote, "I think it will strengthen the cause of Texas to show that we have *legal* and *equitable* and just grounds to declare independence. . . . But I also think that it will weaken Texas, and expose the old settlers and men of property in this country to much risk to make such a declaration at this time, and under the present circumstances, for the reason that it will turn all parties in Mexico against us—bring back the war to our own doors, which is now removed from Texas by the fall of Béxar, and compel the people to seek aid at any sacrifice. I do not think it necessary for the people to run any such risk, for the natural current of events will soon regulate everything. A large portion of the Mexicans are determined to be free. If they succeed, Texas will participate as a state in conformity with its declaration of the 7th of November. If they fail, Texas can at any time resort to her natural rights." It was the realization that the hope of any formidable opposition to Santa Anna in the interior of Mexico, until after the Texans had been crushed, must be abandoned, and that all factions in Mexico had buried their differences for the time being to unite in a war of extermination against the Texans, that brought him to the decision that independence was the only remaining course. And when he saw also that a declaration of

independence would make it easier to obtain assistance in the United States, he decided in favor of making such a declaration immediately.

There was indeed no other course open. It was independence or extermination, for only adequate assistance from the people of the United States could insure them against extermination. The only possible criticism that can be made of Austin's decision is that he was slow in making it. The answer to such criticism, from the standpoint of the patriotic Texan, is contained in Austin's own words, when he said: "Where the fate of a whole people is in question it is difficult to be overcautious, or to be too prudent." But those who see the Texas revolution as a predatory war against Mexico for the purpose of seizing territory can make no such criticism. The fact that Austin came to the conclusion that independence was the only course open, two months before the formal declaration was made by the representatives of the people of Texas, is decisive proof that it bore no remote resemblance to a predatory war. The people of Texas took the only course left open to them.

There were public declarations in favor of independence in Texas before Austin wrote to Houston from New Orleans. A meeting at Nacogdoches had adopted resolutions favorable to independence on November 15, and thirty days later similar resolutions were adopted by a meeting held at Brazoria. On December 20 the so-called "Goliad declaration of independence" was signed by ninety-two men, among them many members of Captain Dimmitt's company, and on December 22 a meeting at San Augustine urged that a declaration

of independence be made by the forthcoming convention. Finally, on Christmas day, similar sentiments were expressed in resolutions adopted at a meeting at Columbia. The sentiment for independence, it can be seen, was rapidly spreading over Texas. Sam Houston, who had been watching the course of events closely, on the same day that Austin was writing him from New Orleans, wrote: "No further experiment need be made to convince us that there is but one course for Texas to pursue, and that is an unequivocal declaration of independence." Then, on January 10, the three commissioners to the United States—Austin, Wharton and Archer—urged, in an official letter to Governor Smith, that such a declaration was necessary to the fullest success of their mission. So it was that by the middle of January, fully two weeks before the date of the elections for delegates to the convention, the decision had been made by all the outstanding leaders that a declaration of independence should be adopted.

This decision was reached after the Mexican leaders had declared a war of extermination against the Texans. The centralist government had given the Texas question a nationalistic character from the first. As has already been recorded, Bonilla, the secretary of relations, had issued a circular to all local officials throughout the republic as early as August 31, branding the Texans as "ungrateful foreigners," and calling upon all patriotic Mexicans to support the government in its efforts to frustrate "their criminal purpose of dismembering the territory of the republic." Santa Anna, in ordering Gen. Ramírez y Sesma to San Antonio to reinforce Cos, instructed him that no quarter was to be given. "The

foreigners," he wrote, "who are making war on the Mexican nation in violation of every rule of law, are entitled to no consideration whatever, and in consequence no quarter is to be given them, of which order you will give notice to your troops." And on December 30, the secretary of war, under instructions from Santa Anna, issued a circular, designed especially for publication in the United States, announcing that the president *ad interim* had directed that all armed foreigners found on Mexican soil, and all who had imported arms and supplies intended to be placed in the hands of those in arms against the government, would be treated as freebooters and pirates and shot.

The issue was thus sharply drawn. The outcome could be only one of two things: Either the Anglo-Americans would be massacred or driven across the Sabine, or an independent Texas, entirely separate from Mexico, would emerge from the war. There was no longer any middle ground.

CHAPTER XXXVIII.

COLLAPSE OF GOVERNMENT.

IMMEDIATELY after receiving the news of the capture of San Antonio, General Houston, acting upon a suggestion of Governor Smith, sent an order to Bowie at Goliad to organize a company of men and to proceed against Matamoros. This order, which was dated December 17, was as follows:

"HEADQUARTERS, SAN FELIPE,
"December 17, 1835.

"Sir: In obedience to the order of his excellency, Henry Smith, governor of Texas, of this date, I have the honor to direct that, in the event you can obtain the services of a sufficient number of men for the purpose, you will forthwith proceed on the route to Matamoros, and, if possible, reduce the place and retain possession until further orders. Should you not find it within your power to attain an object so desirable as the reduction of Matamoros, you will, by all possible means, conformably to the rules of civilized warfare, annoy the troops of the central army; and reduce and keep possession of the most eligible position on the frontier, using the precaution which characterizes your mode of warfare. You will conduct the campaign. Much is referred to your discretion. Should you commence the campaign, you will, from time to time, keep the government advised of your operations, through the

commander in chief of the army. Under any circumstances, the port of Copano is important.

"If any officers or men who have, at any time, been released on parole should be taken in arms, they will be proper subjects for the consideration of a court-martial. Great caution is necessary in the country of the enemy. "SAM HOUSTON,

"Commander in Chief."

If Bowie had received this order, and had promptly proceeded to put it into effect, much confusion and disaster might have been avoided. But Bowie had left Goliad as soon as he heard that the attack on San Antonio had begun, and had arrived at the latter place before Houston's communication was dispatched. In consequence he did not hear of the order until he came to San Felipe in person, on January 1. Had he received it on time, it is likely that a successful expedition against Matamoros might have been organized. The defenses of the place were weak, and it would hardly have been possible for the Mexicans to reinforce it in time to be effective. But two weeks made a big difference, and in the meantime the question of such an expedition had become the subject of controversy.

It was Captain Dimmitt who urged upon Governor Smith the advisability of taking Matamoros, but his suggestion was made as early as December 2, when Cos still was bottled up at Béxar. In a letter written from his post at Goliad on that date, Dimmitt said:

"If this or some other movement like this is not adopted, which will enable us to hurl the thunder back in the very atmosphere of the enemy, drag him, and with him the war, out of Texas, her resources and her

blood must continue to flow from the center of the frontier. If this is done, the paralyzing effects and the immediate calamities of war will be greatly mitigated. The revenue of the port of Matamoros, now applied to support an unprovoked, unnatural and unjust war against us, would then be used in defraying the expense of the war against him. This, even under a bad and corrupt administration, is said to amount, on an average, to one hundred thousand dollars per month. Taken from the enemy, and used by us, this would be a difference of two hundred thousand dollars per month, in the relative means of the belligerents, in prosecuting the war. It is like taking a weight from one scale, and putting it in the opposite. Two of equal gravity with the one removed are then required to restore the equilibrium.

"Again, the adoption and impetuous execution of the plan here proposed might enable us to barter the war off, for a speedy and honorable peace. The enemy, when he found it visited upon his own head, and saw the lightning at a distance, might adopt effectual measures to protect himself against its consuming progress by offering a compromise, on our own terms. And should he not do this, with the presence of a victorious force in Matamoros, having General Zavala for a nominal leader, and a counter-revolutionizing flag, the liberals of all classes would immediately join us, the neutrals would gather confidence, both in themselves and in us, and the parasites of centralism, in that section, would be effectually panic-struck and paralyzed. In this way, a very respectable army might be immediately organized there, principally of materials to commence active op-

erations on the interior. This would be putting the war in the hands of its lawful and proper owners; for this war is not ours, although we have been compelled, in self-defense, to become a party to it. We have neither provoked, nor yet given cause for extending it to Texas. It originated in the interior of the country, in a contest for power, and there it belongs, and we owe it both to ourselves and the enemy to carry it home. Let them have the war, and let us put them in a way to fight its battles. We can then remain a party to it, or withdraw, at pleasure, with honor enough and a well-earned, enviable reputation."

These ideas of Dimmitt's were very much in line with those of Stephen Austin about that time. Austin believed that Mexía, who arrived in Texas the day after Dimmitt wrote this letter, should be placed at the head of such an expedition. Austin's attention had been called to the importance of Matamoros and the advisability of some move in the interior by Dr. James Grant, when he still was in command of the volunteers before San Antonio. It was one of Grant's favorite projects. Grant was not a citizen of Texas, but of Coahuila, and he was not inclined to favor an independent existence for Texas. To him the restoration of the constitution of 1824 and the overthrow of the centralists was all-important, and no doubt he conscientiously believed there was great hope of a formidable movement of federalists being organized in the interior. As will in due course be seen, he sacrificed his life in acting upon that belief. Governor Smith, on the other hand, was not in favor of having anything to do with native-born Mexicans. He opposed the idea of equipping

Mexía, and when he decided to suggest to Houston that he order a campaign against Matamoros, he picked Bowie instead of Zavala to undertake the task. Bowie's absence from Goliad, as has been said, was the cause of this plan's failure.

On December 18 Johnson, who still was in command of the victorious volunteers at San Antonio, wrote to Governor Smith, transmitting information relative to the movements of Mexican troops south of the Rio Grande, and suggesting the importance of strengthening the frontier. This letter was transmitted by Smith to the council, and on December 25 the committee on military affairs made a report recommending a general movement of Texas troops to the frontier and also an attack on Matamoros. The troops already under arms had been augmented by the arrival at Velasco of a body of well-equipped volunteers from Georgia, and it was the opinion of the members of the committee on military affairs that the men should be kept occupied. Acting on this report, the council adopted the following resolution:

"Inasmuch as the number of troops fit for duty now in the field is very much augmented, there being four hundred troops now at Béxar, seventy at Washington, eighty at Goliad, two hundred at Velasco, and several companies on their march to the different military posts and places of rendezvous, making in the aggregate seven hundred and fifty men now in service and ready for active operations, and at least one hundred more, not enumerated in the above aggregate, who will join the army in a few days, active operations should be immediately commenced; for the expenses of the above

number of men, now in service, together with the officers and contingent expenses, are too great for Texas in the present state of her finances. Besides, to keep troops idle who have entered the service will do us great injury at this time. It will induce those who are willing to aid us to believe that we have no use for any more troops; it will give our enemies time to fortify Matamoros and Laredo, so they can demonstrate on us in the spring or whenever they think proper, knowing their fortifications would enable them to retreat safely, even if they were defeated and should it become necessary to take either of the aforesaid places, for the security of our frontier, it would be far more difficult than it would be at this time, and no man can doubt the importance and necessity of striking a decisive blow at once. By taking Matamoros, we have the possession of the key; yes, the commercial depot of the whole country north and northwest for several hundred miles. We can then fortify the place; demonstrate, when the occasion presents itself, or it becomes necessary, upon the towns north and west. We can also land provisions and all the munitions of war and troops, if necessary, at that point (Matamoros), at any time with perfect safety, and without incurring half the risk and expense we must at present. And we can also command the Gulf of Mexico from that point to the city of New Orleans, and land our troops and supplies wherever we please.

"*Therefore, be it resolved by the general council of the provisional government of Texas*, That his Excellency, Henry Smith, governor, be and he is hereby earnestly requested to concentrate all his troops by his

proper officers, at Copano and San Patricio, for the purpose of carrying into effect the objects expressed and contained in the foregoing report."

Governor Smith referred this resolution to General Houston, who said that it would be impractical for him to command such an expedition in person, or to concentrate all his forces on the frontier. He said that it was necessary for the commander in chief to remain near the center of Texas to direct the organization of the regular army, and that a subaltern, whom he could name, could be entrusted with the expedition just as well. Houston evidently had Bowie in mind, but Bowie had not yet arrived at San Felipe, and did not make his appearance until January 1. Then before anything could be done, Johnson arrived at San Felipe and notified the general council that he already had ordered an expedition against Matamoros, and that a portion of the force actually was on its way from San Antonio to Goliad! He asked the council for authority to make the expedition.

"In regard to the expedition," he said, "I have no hesitation in saying that it is practicable and that not one moment should be lost, as the enemy are concentrating their forces at many points in the interior with a view to suppress the liberals of the interior and also for the purpose of attacking us in Texas. Therefore I submit the foregoing to your consideration and ask your authority for making the expedition against Matamoros."

Here was a fine condition of affairs. Acting under his supposed independence of the commander in chief, Johnson had ordered an armed expedition in the name

of Texas. He had done more than that, for he had appointed Dr. James Grant to the position of "acting commander in chief of the volunteers," and it was Dr. Grant who was leading the expedition. After having taken this action, Johnson now applied to the council for authority to carry out his plans. The council was not a competent body to direct the military operations of the armed forces of Texas, nor did it have any authority under the law to do so. The commander in chief, in cooperation with the governor, was the proper authority to map out and conduct any military operations that might be necessary. The fact that the consultation had failed to assert authority over the volunteers gave some semblance of justification for Johnson's action, but to carry this assumption of independence to the extent of actually initiating and carrying out military operations was certain to bring about a condition of confusion. And if, added to this policy of officers of the volunteers, there should be that of a body like the general council attempting to direct military campaigns, independent of the commander in chief, confusion would become chaos. Yet that is precisely what the members of the council decided to do. The quarrel between the council and the governor had progressed to the breaking point. On December 17 Governor Smith had refused to ratify the appointment of Edward Gritten and D. C. Barrett to fill certain offices by issuing them commissions, and, in a message asking the council to reconsider its action in naming them, he used rather intemperate language and made grave charges against the two men, especially against Barrett, who was a member of the council. The council had

retaliated on December 25 by requesting him to issue the commissions forthwith, and adopted a resolution providing that the message of the governor be filed among the papers of the council, but not entered on its journals. The council's quarrel with the governor on this and other matters had reached a very heated stage, when Johnson's request for authority to proceed against Matamoros came before it. It decided therefore to act independently of Governor Smith and General Houston if necessary and, the same day the request was made, adopted the following committee report granting it:

"The communication of Gen. F. W. Johnson, which was referred to your committee, respecting an expedition against Matamoros, has had the same under consideration, and beg leave to report to the honorable general council that it is an expedition of utmost importance at this time. It will give employment to the volunteers until a regular army, sufficient for the protection of the country, can be raised and organized.

"And your committee take great pleasure in recommending F. W. Johnson to take the command of all the troops that he can raise for that purpose. His gallant and chivalrous conduct at the siege and fall of Béxar entitles him to our confidence and support. Besides, delay at this time on our part would be dangerous. For if the volunteers on their march for Matamoros were defeated the consequences resulting from it might prove fatal to Texas. But everyone must foresee the benefit that would result from occupying and keeping in possession of that important commercial depot. It would not only deprive our enemies of the immense

revenue at that place, but aid us greatly in supporting our army. It would also carry the war into the enemy's country, and with the vessels that will be floating upon the Gulf of Mexico, in the service of Texas, in one month, will give us the entire command of the gulf from Matamoros to New Orleans over our enemies.

"Your committee would further recommend that measures be adopted by the honorable general council to support, sustain, and provide for the volunteer army on their march against Matamoros; and further, that the governor be requested to commission such officers as are reported to have been elected by said volunteers, or as may be reported to him. Your committee further recommend that the sum of two thousand dollars be appropriated for the expense of the expedition against Matamoros."

Governor Smith violently opposed this plan. He was so outspoken in his opposition that in spite of the fact that the council passed the resolutions over his veto, Johnson immediately wrote the council declining to lead the expedition. But the council was not to be outdone in this fashion. Having decided on an expedition it was bound to have one, and it therefore looked for another leader. The choice fell upon James W. Fannin and, in acccordance with this decision, with only twelve members present, though it required fourteen to make a quorum, the council adopted a resolution giving him full power to organize and conduct the expedition. This resolution, which was adopted on January 7, was as follows:

"1. Be it resolved by the General Council of the Provisional Government of Texas, that J. W. Fannin

be and he is hereby appointed and empowered, as an agent for and in behalf of the Provisional Government of Texas, to raise, collect and concentrate at, or as near, the port of Copano as convenience and safety will admit, all volunteer troops willing to enter into an expedition against Matamoros, wherever they may be found —at the mouth of the Brazos, city of Béxar, or elsewhere, whether in Texas or arriving in Texas—and, when thus collected and concentrated, to report either to the commanding general or to the Governor and Council, as he may prefer, agreeable to the seventh section of an ordinance and decree passed on the fifth day of December, 1835, for raising an auxiliary corps to the regular army, and continue to report from time to time as the expedition may progress.

"2. That the said agent, J. W. Fannin, be and is hereby authorized and empowered to call upon Thomas F. McKinney, the general agent of the commissary department, or any other public agent, store-keeper or supplying-officer of the government, for the proper and necessary munitions of war, the usual supply of provisions, apportioned to number and rank, and the means of transportation thereof and of the troops aforesaid, by land or water, which call and orders of said agent shall be respected by all public agents or officers aforesaid, and said agent's receipt shall be respected by the government.

"3. That the said agent, J. W. Fannin, be and is hereby authorized and empowered to negotiate a loan of three thousand dollars, at not more than ten per cent interest, to be paid out of the first money, not

otherwise especially appropriated at this date, or the first money which shall come into the treasury of Texas.

"4. That on the concentration of the volunteer troops as aforesaid, an election for a commander and other officers shall be made, agreeable to the law regulating the auxiliary volunteer corps, as referred to in section first of these resolutions.

"5. That after the agent of the government aforesaid, J. W. Fannin, shall have so raised, collected and concentrated the aforesaid volunteers, he shall make a descent upon Matamoros, if he deems it practicable to take said place, or such other point or place as the said agent may deem proper.

"6. That the aforesaid agent, J. W. Fannin, shall be authorized and empowered to appoint such special agent or agents under him as he shall deem necessary to carry into effect the object of these resolutions, and to delegate to such special agent or agents such powers, in writing, as he may think proper, not inconsistent with the powers of his own agency.

"7. That J. W. Fannin shall be furnished with a copy of the foregoing report and resolutions, duly certified, immediately upon their passage."

The effect of this resolution was to eliminate General Houston altogether, for Fannin was authorized to use his own judgment as to whether he should report to Houston or not. That this was the purpose of the council was well known, and Governor Smith, on the same day that he vetoed the resolution authorizing Johnson to organize an expedition, had ordered Houston to proceed at once to the frontier and take command

of all Texas troops which might be found under arms. Fannin accepted the action of the council as final, and on January 8 he issued the following proclamation, having it printed in several issues of the *Texas Republican:*

"ATTENTION VOLUNTEERS.

"TO THE WEST, FACE: MARCH!

"An expedition to the west has been ordered by the general council, and the volunteers from Béxar, Goliad, Velasco, and elsewhere, are ordered to rendezvous at San Patricio, between the 24th and 27th inst., and report to the officer in command. The fleet convoy will sail from Velasco under my charge on or about the 18th, and all who feel disposed to join it and aid in keeping the war out of Texas, and at the same time crippling the enemy in their resources at home, are invited to enter the ranks forthwith. J. W. FANNIN, JR."

When events took this turn, and he came to realize that the council had decided to have things in its own hands, Johnson changed his mind about not leading the expedition, and two days later he also issued a proclamation, basing his authority on the former action of the council, and presuming to speak in the name of the volunteers who had taken San Antonio. Dr. Grant already was on the march, acting in Johnson's place, and in order to coordinate forces with Fannin, Johnson fixed the rendezvous at San Patricio also. Johnson's proclamation was as follows:

"PROCLAMATION OF THE FEDERAL VOLUNTEER ARMY OF TEXAS.

"The Federal Volunteer Army of Texas, the victors of San Antonio, then and now under command of

Francis W. Johnson, through him address themselves to the friends of Texas and of liberty.

"Under sanction of the general council of Texas, they have taken up the line of march for the country west of the Rio Grande. They march under the flag 1.8.2.4., as proclaimed by the government of Texas, and have for their object the restoration of the principles of the constitution, and the extermination of the last vestige of despotism from the Mexican soil. Texas herself, free from military rule, yet hears on her borders the insolent tone of the tyrant's myrmidons, yet hears the groans of her oppressed Mexican friends, and their call for assistance. Her volunteer army will answer the call; and with a determination to aid and assist them in reestablishing their constitution and their liberty, they march to victory or the grave. They invite them to unite in establishing on a firm and solid foundation, on Mexican soil, the banners of Morales and Hidalgo, inscribed with their own national mottoes. Uninfluenced by views of individual interest, they desire that all true friends shall participate in the glory. Their names will be remembered in the bright pages of the historian, and in the ballad and song of the liberal Mexicans.

"To arms! then, Americans, to aid in sustaining the principles of 1776, in this western hemisphere. To arms! native Mexicans, in driving tyranny from your homes, intolerance from your altars, and the tyrant from your country. In this very hour the crowned despots of Europe have met in unholy conclave, to devise the means of crushing liberal principles. Louis Philippe of

France, faithless to his oath, now sits side by side with the monarchs of Russia, and Austria, and Prussia, and Spain, and the minister of Santa Anna is seen among them. Before this it is more than probable that the freedom of the Mexicans has been sold to the tyrants, and that European force is to sustain the diadem on the head of the traitor Santa Anna. Not only Texans and Mexicans, but the genius of liberty, demands that every man do his duty to his country, and leave the consequences to God. Our first attack will be upon the enemy at Matamoros; our next, if Heaven decrees, wherever tyranny shall raise its malignant form. Between the 25th and the 30th inst., it is expected the whole of the volunteer army of Texas will take up the line of march from San Patricio. F. W. JOHNSON.
"San Felipe de Austin, Jan. 10th, 1836."

On January 14, the council approved Johnson's action, and authorized him to unite with Fannin in the campaign against Matamoros, making special provision however, that nothing in the resolution directing this should be taken so as "to interfere with the agency granted to J. W. Fannin by the Provisional Government heretofore." But meantime, the break between the council and Governor Smith reached its climax. On January 9, Smith transmitted to the council a letter from Lieut.-Col. J. C. Neill, who was in command of the remnant of the volunteers left to defend San Antonio, in which the latter told of the plight they had been left in because of the Matamoros expedition, and Smith made the most of the opportunity to denounce the council for the part it had played in bringing about

this situation. Colonel Neill's letter, which may be regarded as the first chapter in the tragic story of the Alamo, was as follows:

"COMMANDANCY OF BEXAR,
"January 6, 1836.

"To the Governor and Council, at San Felipe de Austin:

"Sirs: It will be appalling to you to learn and see herewith enclosed our alarming weakness. But I have one pleasurable gratification which will not be erased from the tablet of my memory during natural life, viz.: that those whose names are herewith enclosed are, to a man, those who acted so gallantly in the ten weeks' open-field campaign, and then won an unparalleled victory in the five days' siege of this place. Such men in such a condition and under all the gloomy embarrassment surrounding, call aloud upon you and their country for aid, praise, and sympathy.

"We have one hundred and four men and two distinct fortresses to garrison, and about twenty-four pieces of artillery. You, doubtless, have learned that we have no provisions or clothing since Johnson and Grant left. If there has ever been a dollar here, I have no knowledge of it. The clothing sent here by the aid and patriotic exertions of the honorable council was taken from us by the arbitrary measures of Johnson and Grant, taken from men who endured all the hardships of winter, and who were not even sufficiently clad for summer, many of them having but one blanket and one shirt, and what was intended for them given away to men, some of whom had not been in the army more than four days, and many not exceeding two weeks. If a

divide had been made of them, the most needy of my men could have been made comfortable by the stock of clothing and provisions taken from here.

"About two hundred of the men who had volunteered to garrison this town for four months left my command contrary to my orders and thereby vitiated the policy of their enlistment.

"I want here, for this garrison, at all times two hundred men, and I think three hundred men, until the repairs and improvement of fortifications are completed. . . . "Your obedient servant,

"J. C. NEILL,

"Lt.-Col., Commanding."

In transmitting this letter to the council, Governor Smith let his wrath have full play.

"I herewith transmit to your body," he wrote, "the returns and correspondence of Colonel Neill, lieutenant-colonel-commandant of the post of Béxar. You will in that correspondence find the situation of that garrison. You will there find a detail of facts calculated to call forth the indignant feelings of every honest man. Can your body say that they have not been cognizant of, and connived at, this predatory expedition? Are you not daily holding conference, and planning cooperation, both by sea and land? Acts speak louder than words. They are now before me, authorizing the appointment of a generalissimo with plenary powers to plan expeditions on the faith, the credit, and, I may justly say, to the ruin of the country. You urge me by resolutions to make appointments to fit out vessels as government vessels—registering them as such, appointing landsmen to command a naval expedition, by making representations

urgent in their nature, and for what? I see no reason but to carry into effect, by hurried and improvident acts of my department, your favorite object, by getting my sanction to an act disorganizing in its nature and ruinous in its effects. Instead of acting as becomes the councilers and guardians of a free people, you resolve yourselves into intriguing, caucusing parties; pass resolutions without a quorum on false premises; and endeavor to ruin the country by countenancing, aiding and abetting parties; and, if you could only deceive me enough, you would join with a piratical cooperation. You have acted in bad faith, and seem determined by your acts to destroy the very institutions which you are pledged and sworn to support. I have been placed on the political watch-tower. I feel the weight of responsibility devolving upon me, and confidently hope I will be enabled to prove a faithful sentinel. You have also been posted as sentinels; but you have permitted the enemy to cross your lines; and Mexican-like, are ready to sacrifice your country at the shrine of plunder. Mr. President, I speak collectively, as you all form one whole, though, at the same time, I do not mean all. I know you have honest men there, and of sterling worth and integrity; but you have Judases in the camp—corruption, base corruption has crept into your councils—men who, if possible, would deceive their God. Notwithstanding their deep laid plans and intrigues, I have not been asleep. They have long since been anticipated, forestalled and counteracted. They will find themselves circumvented on every task. I am now tired of watching scoundrels abroad and scoundrels at home, and

on such I am now prepared to drop the curtain. The appointment and instructions, founded on the resolutions predicated on false premises, shall now be tested. . . . You shall not be permitted, by collusion or management, to act in bad faith to the injury of the government. If the appointment of general agents, with latitudinarian powers—with the power of substitution and many other things equally inconsistent and ridiculous—which have been engendered and emanated from your caucusing, intriguing body recently, does not show a want of respect to my department and a total neglect of the sacred oaths and pledges solemnly made by you, I must admit I am no judge. I wish you to distinctly understand the ground on which you stand is holy, and shall be guarded and protected with every assiduity on my part. Permit me again to repeat it, Mr. President, this is not intended to touch either yourself or the honest and well-intending part of your council.

"Look round upon your flock. Your discernment will easily detect the scoundrels. The complaints, contraction of the eyes, the gape of the mouth, the vacant stare, the hung head, the restless, fidgety disposition; the sneaking, sycophantic look, a natural meanness of countenance, an unguarded shrug of the shoulders, a sympathetic tickling and contraction of the muscles of the neck, anticipating the rope, a restless uneasiness to adjourn, dreading to face the storm themselves have raised.

"Let the honest and indignant part of your council drive the wolves out of the fold, for by low intrigue and management they have been imposed upon and

duped into gross errors and palpable absurdities. Some of them have been thrown out of folds equally sacred, and should be denied the society of civilized men.

"They are parricides, piercing their devoted country, already bleeding at every pore. But, thanks be to my God, there is balm in Texas, and a physician near. Our agents have gone abroad. Our army has been organized. Our general is in the field. A convention has been called which will afford a sovereign remedy to the vile machinations of a caucusing, intriguing and corrupt council. I now tell you that the course here pointed out shall be rigidly and strictly pursued, and that unless your body will make the necessary acknowledgment to the world of your error, and forthwith proceed, and with the same facility and publicity (by issuing a circular, and furnishing expenses to give circulation and publicity in a manner calculated to counteract its baleful effects) that after twelve o'clock tomorrow all communications between the two departments shall cease; and your body will stand adjourned until the first of March next, unless, from the emergencies of the country, you should be convened by proclamation at an earlier period.

"I consider, as the devisers of ways and means, you have done all contemplated by the organic law; that your services are no longer needed; and, until the convention meets, I will continue to discharge my duties as commander in chief of the army and navy, and see that the laws are executed.

"The foregoing you will receive as notice from my department, which will be rigidly carried into effect. You are further notified that audience will not be given to any member or special committee other than in writ-

ing. I will immediately proceed to publish all the correspondence between the two departments, by proclamation to the world, and assign the reasons why I have pursued this course, and the causes which have compelled me to do it."

This communication caused great indignation among the members of the council. It was referred to a special committee, composed of R. R. Royall, Alexander Thomson, Claiborne West, J. D. Clements and John McMullen, and the following day this committee brought in a report characterizing the communication as "low, blackguardly and vindictive, and every way unworthy of, and disgraceful to the office from which it emanated, and as an outrageous libel on the body to whom it was addressed."

The council then proceeded to adopt resolutions suspending Governor Smith and preferring charges against him to which he was cited to respond. The resolutions in part follow:

"Resolved, That Henry Smith, Governor of the Provisional Government of Texas, be ordered forthwith to cease the functions of his office and that he be held to answer to the General Council upon certain charges and specifications preferred against him, agreeable to the fourth section of the Federal Constitution of Mexico of 1824, and the 11th section of the Organic Law of the Provisional Government of Texas, as adopted in convention on the 13th of November, A. D. 1835, and that a copy of the said charges and specifications be furnished to the Governor, Henry Smith, within twenty-four hours from this time.

"Resolved, That the treasurer, commanding-general,

foreign agents and all other officers of this Government, be notified of the suspension of Henry Smith of the powers and functions of Governor, by the representatives of the people of Texas in General Council assembled, and that they and every one of them hold themselves respectively subject to the order and direction of the Lieutenant-Governor, as acting Governor, and General Council aforesaid."

A special committee then drew up an address to the people, explaining the causes of the rupture, and setting forth a long indictment of Governor Smith, to which he was challenged to respond. Smith, on his part, seems to have cooled down a little and sought a reconciliation with the council. On January 12 he presented the following apologetic message to the council:

"Executive Department of Texas.

"To the Honorable, the President and Members of the Legislative Council:

"Gentlemen: The communication sent to your body on the tenth inst. in which I used much asperity of language, which I considered at the time was called for; owing to what I deemed improvident acts of your body, in which I considered much intrigue and duplicity had been used which was in their nature and tendency calculated to breed confusion and greatly injure the public good. Among other things the appointment of Colonel Fannin was one which I deemed unwarranted by law and of injurious tendency. If the act of your body was ratified by me, it is plain and evident that neither the Commander in Chief, the Council nor the Executive could have any control over him. I therefore deemed it a gross insult offered by the Council to my Depart-

ment, and one which I was not willing to overlook. I admit that I repelled it with a keenness and asperity of language beyond the rules of decorum; because I believed it was intended as an insult direct. If, therefore, your body should think proper to acknowledge their error by an immediate correction of it, which I consider would only be their reasonable duty, all differences between the two departments should cease; and so far as I am concerned be forever buried in oblivion, and that friendly and harmonious intercourse resumed which should ever exist between the different branches of the Government. I suggest and solicit this from the purest motives, believing the public good would thereby be advanced. Believing that the rules of Christian charity require us to bear and forbear, and as far as possible to overlook the errors and foibles of each other. In this case I may not have exercised towards your body that degree of forbearance which was probably your due. If so, I have been laboring under error, and, as such, hope you will have the magnanimity to extend it to me. And the two branches again harmonize to the promotion of the true interests of the country.

"I am respectfully, gentlemen, yours, etc.,

"HENRY SMITH, Governor."

In reply the council adopted the following resolution:

"That this Council has received the communication in the spirit of compromise, at too late a period to be met by that spirit of accommodation offered and urged a short time since.

"Resolved, That as the slanderous communication of Henry Smith, late Governor of Texas, has been acted upon and is now before the public, this Council cannot,

in justice to their constituents and themselves, do otherwise than lay before the people all the facts connected with that unfortunate transaction, and the motive by which this Council was actuated, and the circumstances which compel them to adopt this course.

"Resolved, That the communication alluded to, be returned, together with a copy of the charges and specifications preferred against the said Henry Smith, late Governor aforesaid, for malfeasance and misconduct in office, and that he be notified to reply within three days, or that the trial will proceed thereon, before the General Council *ex parte*."

Governor Smith replied that he would defend himself before the convention on March 1, and not before the council. "What I have done," he said, "however bad you may view it, has been done for the best reasons, and from the purest motives. I care not for popularity, and seek alone the public good. And if the course I have pursued, so condemned by you, should bring down the odium and contempt of the whole community, and at the same time be the means of saving the character, the credit, and finally, redeem the country, I say to you, in the sincerity of truth, that it is a sacrifice I willingly make at the shrine of the public good."

Governor Smith continued to exercise the powers of the office of governor in a rather ineffective fashion, and soon the council was so woefully short of a quorum as to become non-existent. The result of the quarrel, therefore, was to destroy the provisional government. General Houston, whose election as commander in chief was the act of the consultation itself, attempted to bring

order out of chaos and to get some semblance of an army together. He continued to recognize Smith as governor. Houston, as has been seen, had gone to the frontier to assert his authority over the troops. His report to Smith of the results of this trip is given in the next chapter.

CHAPTER XXXIX.

AN ARMY IN CONFUSION.

General Houston, acting under orders from Governor Smith, left the town of Washington on January 8 for Goliad, toward which Dr. Grant and a force of volunteers from San Antonio were marching. Houston's purpose was to establish his authority as commander in chief over the Texas forces, and, if possible, prevent the condition of chaos which was developing. Grant arrived at Goliad ahead of him, and proceeded onward to Refugio. Meantime Fannin, with the "Georgia Battalion" and a few Texas volunteers, sailed from Velasco, his destination being Copano, and Johnson left San Felipe to join Grant. Houston arrived at Goliad on January 14, and found a condition of affairs truly deplorable. While there he received an appeal from Colonel Neill, the commandant at San Antonio, for reinforcements, saying that he expected an attack from the enemy. Houston at once dispatched Col. James Bowie to that place with a detachment of volunteers. After making certain arrangements for the concentration of the troops, Houston then went to Refugio. On January 20 Johnson arrived at Refugio, and it was he who called upon Houston and presented to him the resolutions of the council which authorized Fannin and Johnson to undertake the Matamoros campaign independently of Houston's direction. Houston recognized immediately that the effect of the powers bestowed upon Fannin was to

destroy his own authority entirely. There was nothing for him to do but to return to headquarters and report to Governor Smith, from whom he had received his orders. The condition of affairs Houston found, and the general situation created by the council's action in endowing Fannin with extraordinary powers, are best described in his report to Smith. It is a lengthy document, but a full understanding of the conditions which existed cannot be had without it, and its importance more than justifies its reproduction in full. It was written at Washington, upon Houston's return to that place, on January 30, and was addressed to "His Excellency, Henry Smith, Governor of Texas." The text of the report follows:

"I have the honor to report to you that, in obedience to your orders under date of the 6th instant, I left Washington on the 8th, and reached Goliad on the night of the 14th. On the morning of that day I met Captain Dimmitt, on his return home with his command, who reported to me the fact that his caballada of horses, the most of them private property, had been pressed by Dr. Grant, who styled himself acting commander in chief of the Federal army, and that he had under his command about two hundred men. Captain Dimmitt had been relieved by Captain P. S. Wyatt, of the volunteers from Huntsville, Alabama. I was also informed by Major Robert C. Morris that breadstuff was wanted in camp, and he suggested his wish to move the volunteers further west. By express I had advised the stay of the troops at Goliad until I could reach that point.

"On my arrival at that post I found them destitute of many supplies necessary to their comfort on a cam-

paign. An express reached me from Lieutenant-Colonel Neill, of Béxar, of an expected attack from the enemy in force. I immediately requested Colonel James Bowie to march with a detachment of volunteers to his relief. He met the request with his usual promptitude and manliness. This intelligence I forwarded to your Excellency for the action of the government. With a hope that supplies had or would immediately reach the port of Copano, I ordered the troops, through Major R. C. Morris, to proceed to Refugio Mission, where it was reported there would be an abundance of beef—leaving Capt. Wyatt and his command, for the present, in possession of Goliad, or until he could be relieved by a detachment of regulars under the command of Lieutenant Thornton, and some recruits that had been enlisted by Captain Ira Westover. On the arrival of the troops at Refugio, I ascertained that no breadstuffs could be obtained, nor was there any intelligence of any supplies reaching Copano, agreeably to my expectations, and in accordance with my orders of the 30th of December and 6th of January, inst., directing the landing and concentrating of volunteers at Copano. I had already advised Colonel Almanzon Huston, the Quartermaster-General, to forward the supplies he might obtain at New Orleans to the same point. Not meeting the command of Major Ward, as I had hoped from the early advice I had sent him by Major Geo. W. Poe, I determined to await his arrival and the command of Captain Wyatt. With a view to march to the scene of active operations the first moment my force and the supplies necessary should reach me, I ordered Lieutenant Thornton, with his command (total twenty-nine)

to Goliad to relieve Captain Wyatt; at the same time ordering the latter to join the volunteers at Refugio. I found much difficulty in prevailing on the regulars to march until they had received either money or clothing; and their situation was truly destitute. Had I not succeeded, the station at Goliad must have been left without defense, and abandoned to the enemy, whatever importance its occupation may be to the security of the frontier. Should Béxar remain a military post, Goliad must be maintained, or the former will be cut off from all supplies arriving by sea at the port of Copano.

"On the evening of the 20th, F. W. Johnson, Esq., arrived at Refugio, and it was understood that he was empowered by the General Council of Texas to interfere with my command. On the 21st and previous to receiving notice of his arrival, I issued an order to organize the troops so soon as they might arrive at that place, agreeably to the 'ordinance for raising an auxiliary corps' to the army. A copy of the order I have the honor to inclose herewith. Mr. Johnson then called on me, previous to the circulation of the order, and showed me the resolutions of the General Council, dated 14th of January, a copy of which I forwarded for the perusal of your Excellency.

"So soon as I was made acquainted with the nature of his mission, and the powers granted to J. W. Fannin, Jr., I could not remain mistaken as to the object of the council, or the wishes of the individuals. I had but one course left for me to pursue (the report of your being deposed had also reached me), which was to return and report myself to you in person—inasmuch as the objects intended by your order were, by the extraordi-

nary conduct of the council, rendered useless to the country; and, by remaining with the army, the council would have had the pleasure of ascribing to me the evils which their own conduct and acts will, in all probability, produce. I consider the acts of the council calculated to protract the war for years to come; and the field which they have opened to insubordination and to agencies without limit (unknown to military usage) will cost the country more useless expenditure than the necessary expense of the whole war would have been, had they not transcended their proper duties. Without integrity of purpose and well-devised measures, our whole frontier must be exposed to the enemy. All the available resources of Texas are directed, through special as well as general agencies, against Matamoros; and must in all probability prove as unavailing to the interests as they will to the honor of Texas. The regulars at Goliad cannot long be detained at that station unless they should get supplies, and now all the resources of Texas are placed in the hands of agents unknown to the government in its formation and existing by the mere will of the council; and will leave all other objects, necessary for the defence of the country, neglected for the want of means, until the meeting of the convention in March next.

"It was my wish, if it had been possible, to avoid for the present the expression of any opinion which might be suppressed in the present crisis. But since I reported to your Excellency, having the leisure to pursue all the documents of a controversial nature growing out of the relative duties of yourself and the general council to the people of Texas, a resolution of the council requir-

ing of me an act of insubordination and disobedience of your orders, demands of me that I should inquire into the nature of that authority which would stimulate me to an act of treason or an attempt to subvert the government which I have sworn to support. The only constitution which Texas has is the organic law. Then any violation of that law, which would destroy the basis of government, must be treason. Has treason been committed? If so, by whom and for what purpose? The history of the last few weeks will be the best answer that can be rendered.

"After the capitulation of Béxar, it was understood at headquarters that there was much discontent among the troops then at that point, and that it might be necessary to employ them in some active enterprise, or the force would dissolve. With this information was suggested the expediency of an attack on Matamoros. For the purpose of improving whatever advantage might have been gained at Béxar, I applied to your Excellency for orders, which I obtained, directing the adoption of such measures as might be deemed best for the protection of the frontier and the reduction of Matamoros. This order was dated 17th of December, and on the same day I wrote to Colonel James Bowie, directing him, in the event that he could obtain a sufficient number of volunteers for the purpose, to make a descent on Matamoros; and, if his force would not justify that measure, he was directed to occupy the most advanced post, so as to check the enemy, and by all means to place himself in a position to command Copano. Colonel Bowie did not receive the order. Having left Goliad for Béxar, he was not apprised of it until his arrival at San Felipe,

about the 1st of January, inst. My reason for ordering Colonel Bowie on the service was his familiar acquaintance with the country, as well as the nature of the population through which he must pass, as also their resources; and to this I freely add there is no man on whose forecast, prudence and valor I place a higher estimate than Col. Bowie.

"Previous to this time the General Council had adopted a resolution requiring the Governor to direct the removal of the headquarters of the army, and I had been ordered to Washington for their establishment until further orders. I had been detained awaiting copies of the ordinances relative to the army. Their design was manifest, nor could their objects be misapprehended, though the extent to which they were carrying them was not then known. Messrs. Hanks and Clements (members of the council) were engaged in writing letters to individuals in Béxar, urging and authorizing a campaign against Matamoros, and, that their recommendations might bear the stamp of authority and mislead those who were unwilling to embark in an expedition not sanctioned by the government and led by individuals, they took the liberty of signing themselves members of the military committee; thereby deceiving the volunteers, and assuming a character which they could only use or employ in the General Council in proposing business for the action of that body. They could not be altogether ignorant of the impropriety of such conduct, but doubtless could easily find a solid justification in the bullion of their patriotism and the ore of their integrity. Be their motive whatever it might, many brave and honorable men were deluded by

it, and the campaign was commenced against Matamoros under Dr. Grant as acting commander in chief of the volunteer army—a title and designation unknown to the world. But the General Council, in their address to the people of Texas, dated January 11th, state that 'they never recognized in Dr. Grant any authority whatever as an officer of the government or army, at the time.' They will not, I presume, deny that they did acknowledge a draft or order drawn by him as acting commander in chief, amounting to seven hundred and fifty dollars. But this they will doubtless justify on the ground that your Excellency commissioned General Burleson, and, of course, the appointment of Dr. Grant as his aide-de-camp, would authorize him to act in the absence of General Burleson. It is an established principle in all armies that a staff officer can claim no command in the absence of the general, unless he holds a commission in the line. In the absence of General Burleson, the senior colonel, and in the absence of the colonel, the major, or in his absence the senior captain, would have the command; but in no event can the aide or staff officer, unless he holds a commission in the line of the army, have any command; and his existence must cease, unless he should be continued or reappointed by the officer of the line who succeeds to the command in the absence of his superior When General Burleson left an army his aide had no command, but the field officer next in rank to himself.

"Then who is Dr. Grant? Is he not a Scotchman who has resided in Mexico for the last ten years? Does he not own large possessions in the interior? Has he ever taken the oath to support the organic law? Is he

not deeply interested in the hundred league claims of land which hang like a murky cloud over the people of Texas? Is he not the man who impressed the property of the people of Béxar? Is he not the man who took from Béxar without authority or knowledge of the government cannon and other munitions of war, together with supplies necessary to the troops at that station, leaving the wounded and sick destitute of needed comforts? Yet this is the man whose outrages and oppressions upon the rights of the people of Texas are sustained and justified bv the acts and conduct of the General Council.

"Several members of that body are aware that the interests and feelings of Dr. Grant are opposed to the independence and true interests of the people of Texas. While every facility has been offered to the meditated campaign against Matamoros, no aid has been rendered for raising a regular force for the defense of the country, nor one cent advanced to an officer or soldier of the regular army, but every hindrance thrown in the way. The council had no right to project a campaign against any point or place. It was the province of the governor, by his proper officers, to do so. The council has the right of consenting or objecting, but not of projecting. The means ought to be placed at the disposition of the governor, and if he, by himself or his officers, failed in their application, he would be responsible for the success of the armies of Texas, and could be held responsible to the government and punished; but what recourse has the country upon agents who have taken no oath and given no bond to comply with the powers granted by the council?

"The organic law declares, in article third, 'that the governor and general council shall have power to organize, reduce or increase the regular forces,' but it delegates no power to create army agents to supersede the commander in chief, as will be seen by reference to the second article of the 'military' basis of that law. After declaring that there shall be a regular army for the protection of Texas during the present war, in the first article, it proceeds in the second to state the constituents of the army: 'The regular army of Texas shall consist of one major-general, who shall be commander in chief of all the forces called into public service during the war.' This, it will be remembered, is a law from which the council derived their power; and, of course, all troops in service, since the adoption of this law, and all that have been accepted, or to be accepted, during my continuance in office, are under my command. Consequently the council could not create an agency that could assume any command of troops, so as to supersede my powers, without a plain and palpable violation of their oaths. New names given could not change the nature of their obligations; they had violated the organic law.

"I will now advert to an ordinance of their own body, entitled, 'An Ordinance and Decree to Organize and Establish an Auxiliary Volunteer Corps of the Army of Texas, etc.,' passed December 5th, 1835. The ordinance throughout recognizes the competency of the governor and the commander in chief as the only persons authorized to accept the services of volunteers and makes it their especial duty to do so. It also gives the discretion to the commander in chief to accept the services of

volunteers for such term as 'he shall think the defense of the country and the good of service require.' It is specified that muster-rolls shall accompany the reports of the volunteers, and, when reported by the commander in chief to the governor, that commissions shall issue accordingly.

"Where elections take place in the volunteer corps, the ordinance declares that they shall be certified to the commander in chief, and by him forwarded to the governor. The third section of the law declares that when controversies arise in relation to the rank of officers of the same grade, they shall be determined by drawing numbers, which shall be done by order of the commander in chief of the army. This law was enacted by the General Council, and they cannot allege that any misconstruction could arise out of it, for it plainly points out the duties of the governor and the commander in chief as defined by themselves. Yet, without the repeal of this law, they have proceeded to appoint agents to exercise the very powers declared by them to belong to the governor and commander in chief. This they have done under the impression that a change of name would enable them to put down the governor and commander in chief, not subject to them for their places, but created by the consultation, and both of whom are as independent of the council as the council is of them —the commander in chief being subject to the organic law, and all laws conformable thereto, under the orders of the governor. I have obeyed the orders of your Excellency as promptly as they have met my knowledge; and had not the council, by acts as outrageous to my feelings as they are manifestly against the law, adopted

a course that must destroy all hopes of an army, I should yet have been on the frontier, and by all possible means would at least have sought to place it in a state of defense.

"It now becomes my duty to advert to the powers granted by the General Council to J. W. Fannin, Jr., on the 7th of January, 1836, and at a time when two members of the military Committee and other members of the council were advised that I had received orders from your Excellency to repair forthwith to the frontier of Texas, and to concentrate the troops for the very purpose avowed in the resolutions referred to. The powers are as clearly illegal as they are unnecessary. By reference to the resolution it will be perceived that the powers given to J. W. Fannin, Jr., are as comprehensive in their nature, and as much at variance with the organic law and the decrees of the General Council, as the decrees of the General Congress of Mexico are at variance with the Federal Constitution of 1824, and really delegate to J. W. Fannin, Jr., as extensive powers as those conferred by that Congress upon General Santa Anna; yet the cant is kept up, even by J. W. Fannin, Jr., against the danger of a regular army, while he is exercising powers which he must be satisfied are in open violation of the organic law. J. W. Fannin, Jr., is a colonel in the regular army, and was sworn in and received his commission on the very day that the resolutions were adopted by the council. By his oath he was subject to the orders of the commander in chief, and as a subaltern could not, without an act of mutiny, interfere with the general command of the forces of Texas; yet I find in the Telegraph of the 9th inst. a

proclamation, dated on the 8th, addressed, 'Attention, Volunteers!' and requiring them to rendezvous at San Patricio. No official character is pretended by him, as his signature is private. This he did with the knowledge that I had ordered the troops from the mouth of the Brazos to Copano, and had repaired to that point to concentrate them. On the 10th inst., F. W. Johnson issued a similar proclamation, announcing Matamoros as the point of attack. The powers of these gentlemen were derived, if derived at all, from the General Council in opposition to the will of the Governor, because certain purposes were to be answered, or the safety and harmony of Texas should be destroyed.

"Col. Fannin, in a letter addressed to the General Council dated on the 21st of January, at Velasco, and to which he subscribes himself, 'J. W. Fannin, Jr., Agent Provisional Government,' when speaking of anticipating difficulties with the commander in chief, allays the fears of the council by assuring them, 'I shall never make any myself,' and then adds: 'The object in view will be the governing principle, and should General Houston be ready and willing to take command, and march direct ahead and execute your orders, and the volunteers to submit to it, or a reasonable part of them, I shall not say nay, but will do all in my power to produce harmony.'

"How was I to become acquainted with the orders of the council? Was it through my subaltern? It must have been so designed, as the council have not, up to the present moment, given me official notice of the orders to which Colonel Fannin refers. This modesty and subordination on his part is truly commendable in a subal-

tern, and would imply that he had a right to say 'nay.' If he has this power, whence is it derived? Not from any law, and contrary to his sworn duty as my subaltern, whose duty is obedience to my lawful commands, agreeably to the rules and regulations of the United States Army, adopted by the consultation of all Texas. If he accepted any appointment incompatible with his obligation as a colonel in the regular army, it certainly increases his moral responsibilities to an extent which is truly to be regretted.

"In another paragraph of his letter he states: 'You will allow that we have too much division, and one cause of complaint is this very expedition, and that it is intended to remove General Houston.'

"He then assures the council that no blame shall attach to him, but most dutifully says: 'I will go where you have sent me, and will do what you have ordered me, if possible.' The order of the council, as set forth in the resolutions appointing Col. Fannin agent, and authorizing him to appoint as many agents as he might think proper, did most certainly place him above the governor and the commander in chief of the army. Nor is he responsible to the council or the people of Texas. He is required to report, but he is not required to obey the council. His powers are as unlimited and absolute as Cromwell's ever were. I regard the expedition, as now ordered, as an individual and not a national measure. The resolutions passed in favor of J. W. Fannin, Jr., and F. W. Johnson, and their proclamations, with its original start—Dr. Grant—absolve the country from all responsibility for its consequences. If I had any doubt on the subject previous to having seen

at Goliad a proclamation of J. W. Fannin, Jr., sent by him to the volunteers, I could no longer entertain one as to the campaign so far as certain persons are interested in forwarding it. After appealing to the volunteers, he concluded with the assurance 'that the troops should be paid out of the first spoils taken from the enemy.' This, in my opinion, connected with the extraordinary powers granted him by the council, divests the campaign of any character save that of a piratical and predatory war.

"The people of Texas have declared to the world that the war in which they are now engaged is a war of principle, in defense of their civil and political rights. What effect will the declaration, above referred to, have on the civilized world—when they learn that the individual who made it has since been clothed with absolute powers by the General Council of Texas, and that, because you (as governor and commander in chief), refuse to ratify their acts, they have declared you no longer governor of Texas? It was stated by way of inducement to the advance on Matamoros, that the citizens of that place were friendly to the advance of the troops of Texas upon that city. They, no doubt, ere this, have J. W. Fannin's proclamation (though it was in manuscript), and, if originally true, what will now be their feelings towards men, who 'are to be paid out of the first spoils taken from the enemy?' The idea which must present itself to the enemy, will be if the city is taken it will be given up to pillage, and when the spoils are collected, a division will take place. In war, when spoil is the object, friends and enemies share one common destiny. This rule will govern the citizens of

Matamoros in their conclusions and render their resistance desperate. A city containing twelve thousand inhabitants will not be taken by a handful of men who have marched twenty days without breadstuffs or necessary supplies for an army.

"If there ever was a time when Matamoros could have been taken by a few men, that time has passed by. The people of that place are not aware of the honorable, high-minded men who will fill the ranks of the Texan army. They will look upon them as they would upon Mexican mercenaries, and resist them as such. They, too, will hear of the impressment of the property of the citizens of Béxar, as reported to your Excellency, by Lieutenant-Colonel Neill, when Dr. Grant left that place for Matamoros in command of the volunteer army.

"If the troops advance on Matamoros there ought to be cooperation by sea with the land forces, or all will be lost, and the brave men who have come to toil with us in our marches and mingle in our battles for liberty, will fall a sacrifice to the selfishness of some who have individual purposes to answer, and whose influence with the council has been such as to impose upon the honest part of its members; while others, who were otherwise, availed themselves of every artifice which they could devise to shield themselves from detection.

"The evil now is done, and I trust sincerely that the first of March may establish a government on some permanent foundation, where honest functionaries will regard and execute the known and established laws of the country, agreeably to their oaths. If this state of things cannot be achieved, the country must be lost. I feel,

in the state which I hold, that every effort of the council has been to mortify me individually, and, if possible, to compel me to do some act which would enable them to pursue the same measures towards me which they have illegally done toward your Excellency, and thereby remove another obstacle to the accomplishment of their plans. In their attempts to embarrass me they were reckless of all prejudice which might result to the public service from their lawless course.

"While the council was passing their resolution affecting the army of Texas, and transferring to J. W. Fannin, Jr., and F. W. Johnson, the whole control of the army and resources of Texas, they could order them to be furnished with copies of the several resolutions passed by that body, but did not think proper to notify the major-general of the army of their adoption; nor have they yet caused him to be furnished with the acts of the council, relative to the army. True it is they passed a resolution to that effect, but it never was complied with. Their object must have been to conceal, not to promulgate their acts. 'They have loved darkness rather than light because their deeds are evil.'

"I do not consider the council a constitutional body nor their acts lawful. They have no quorum agreeably to the organic law, and I am therefore compelled to regard all of their acts as void. The body has been composed of seventeen members, and I perceive the act of 'suspension' passed against your Excellency was by only ten members present; the president pro tem. having no vote, only ten members remain when less than twelve could not form a quorum agreeable to the organic law, which required two-thirds of the whole body.

I am not prepared either to violate my duty or my oath, by yielding obedience to an act manifestly unlawful, as it is, in my opinion, prejudicial to the welfare of Texas.

"The lieutenant-governor, and several members of the council, I believe to be patriotic and just men; but there have been, and when I left San Felipe there were, others in that body on whose honesty and integrity the foregoing acts will be the best commentary. They must also abide the judgment of the people."

Allowing for Houston's partisanship, which was natural in view of the attitude of the council toward him, this report does not overdraw the seriousness of the situation which the council's ill-advised action had brought about. In justice to the members of the council, it should be said that the whole thing was the result, and not the cause, of the quarrel between that body and Governor Smith, and that the partisanship of Smith in the first place, and his natural incapacity for any duties requiring tact and patience, were as much the cause of that quarrel as the ill-advised acts of the council. The party quarrel, of which it was the climax, was started by Smith's party, and even Houston himself was not guiltless in starting it. The insubordination which was brought about in the army under General Austin around San Antonio, by the propaganda among the men against the campaign to capture that place, was the real start of it. Personal ambitions and party interests, clashing throughout the period between the consultation and the convention of March, were the influences which kept the controversy growing and which finally hastened it to its climax. No one in particular was to blame for it, perhaps, but it had tragic consequences for Texas

nevertheless. It destroyed unity of command in the army, and its effect upon the people was such that the recruiting of the regular army became an almost impossible task. It was the chief cause of the unprepared condition of Texas when Santa Anna marched against the colonists in force the following spring. General Houston maintained a remarkable dignity of demeanor and conduct throughout, considering the humiliations he was required to suffer, and this fact was the chief influence which united the Texans again under him and frustrated Santa Anna in his purpose to drive all the Anglo-Americans across the Sabine.

Fannin, after arriving at Copano, reached an understanding with Johnson and Grant, and then moved on to Goliad. Johnson and Grant proceeded to San Patricio, on the Nueces, preparatory to their march against Matamoros. Meantime, the little garrison at San Antonio, under Neill, continued to cry out for reinforcements. Santa Anna's plan of campaign was to march against that place first, and the force there was wholly inadequate to cope with any formidable army of the enemy. Houston, in dispatching Bowie to the relief of San Antonio, gave orders that the fortifications of the town be demolished, and suggested to Governor Smith that he be authorized to order the place abandoned, the Alamo blown up and the cannon and other munitions moved to Gonzales and Copano. "It will be impossible to keep up the station with volunteers," he wrote. "The sooner I can be authorized the better it will be for the country." But because the cannon could not be moved, for want of horses and mules, nothing came of this. The garrison at San Antonio, when it received news of

the action of the council in deposing the governor, cast its lot with the latter. An indignation meeting, attended by "citizens and soldiers," was held on January 26, and strong resolutions adopted. Colonel Neill presided, H. J. Williamson acted as secretary, and a committee composed of Colonel James B. Bonham, Colonel James Bowie, Green B. Jameson, Dr. Pollard, Jesse Bartlett, J. N. Seguin and Don Gasper Flores, drew up the resolutions, which were as follows:

"Whereas, we have been informed from an undoubted messenger that the executive council and its president, a subordinate and auxiliary part of the government, have usurped the right of impeaching the governor who, if we would imitate the wise institutions of the land of Washington, can only be impeached by a body set forth in the constitution, which constitution must have been established by the people through their representatives assembled in general convention. Moreover, the said council and its president, whose powers are defined to aid the governor in executing and fulfilling the measures and objects adopted by the general consultation, have taken it upon themselves to annul the measures of the general consultation. They are about to open the land offices, which were temporarily closed until a general convention of the people should take place, thereby opening the door to private speculation at the expense of the men who are serving the country in the field. Moreover, the said council have improperly used and appropriated to their own purposes a five hundred-dollar loan from generous and patriotic citizens of the United States, contributed to pay the soldiers in the garrison of Béxar. Moreover, that private and designing men are

and have been embarrassing the governor and legitimate officers of the government by assuming, contrary to all conditions of order and good government. . . . (Three lines of the manuscript here are illegible.) Moreover, that an individual has gone so far as to issue a proclamation on the state of public affairs and to invite numbers to join him as the commander of the Matamoros expedition, when that particular individual must have known that Gen. Houston, commander in chief of all the forces of Texas, has been ordered by the government to take command of that expedition. This particular individual is also fully aware that all officers under the commander in chief are elected by the volunteers themselves; that, therefore, there is no room or necessity for another appointment by the council. Still, in the possession of these facts, he has issued his proclamation and continues to aid all those who are embarrassing the executive; therefore be it

"*Resolved*, 1: That we will support the authority of Governor Smith, his unyielding and patriotic efforts to fulfill the duties and preserve the dignity of his office, while promoting the best interests of the people against all (illegible) and designs of selfish and interested individuals.

"*Resolved*, 2: That all the attempts of the president and members of the executive committee to annul the acts and embarrass the officers appointed by the general consultation are deemed by this meeting anarchial assumptions of power, to which we will not submit.

"*Resolved*, 3: That we invite a similar expression of sentiment in the army under General Houston and throughout the country generally.

"*Resolved*, 4: That the conduct of the president and members of the executive council in relation to the five hundred dollar loan for the liquidation of the claims of the soldiers at Béxar is in the highest degree criminal and unjust. Yet under treatment, however illiberal and ungrateful, we cannot be driven from the post of honor and the sacred cause of freedom.

"*Resolved*, 5: That we do not recognize the illegal appointment of agents and officers made by the president and members of the executive council in relation to the Matamoros expedition, since their power does not extend further than to take measures and to make appointments for the public service with the sanction of the governor.

"*Resolved*, 6: That the governor, Henry Smith, will please to accept the gratitude of the army at this station for his firmness in the execution of his duties as well as for his patriotic exertions in our behalf.

"*Resolved*, 7: That the editors of the Brazoria *Gazette*, the Nacogdoches *Telegraph* and the San Felipe *Telegraph* be requested, and they are hereby requested, to publish the proceedings of this meeting."

So it was that the army became divided in its allegiance. The people were divided in like manner into two camps, those who recognized the governor and those who recognized the council. Most of the people, however, were disgusted with the condition of affairs, and, during the month of February the provisional government practically ceased to exist. In the midst of this situation the elections for delegates to the convention were held and all hopes became centered on the meeting of that body, which had been fixed for March 1.

Texas would have fallen into complete anarchy had not provision been made for this meeting before the collapse.

Meantime, Santa Anna was marshalling his forces for a descent upon Texas. He issued detailed orders for the march on January 23, from Saltillo, where he had arrived a few days before. His total army consisted of six thousand and nineteen men. It included fifteen hundred and forty-one men at San Juan Bautista, on the Rio Grande, under General Ramírez y Sesma, which constituted the vanguard; the first infantry brigade of sixteen hundred men and six guns, under General Gaona, at Saltillo; the second infantry brigade of eighteen hundred and thirty-nine men and six guns, including Cos's troops, under General Tolsa, at Monclova; cavalry brigade of four hundred and thirty-seven men at Saltillo under General Andrade, and finally a detachment of three hundred infantry and three hundred and one cavalry, with one four-pounder gun, under General Urrea, also at Saltillo. Santa Anna began to move the main body of his army from Saltillo on January 26, the destination being San Juan Bautista, where a junction would be formed with General Ramírez y Sesma and the army would be concentrated, picking up Cos's troops at Monclova on the way. Urrea and his detachment were ordered from Saltillo to Matamoros, to form a junction with three hundred men who were being sent from Campeche by sea to that point, and then to cross the Rio Grande immediately, in order to repel the attack under Johnson, Grant and Fannin. On January 31 Urrea left Saltillo to carry out these orders.

Thus the whole Mexican army, more than six thou-

sand strong, was on the move before the beginning of February. Texas was not prepared to meet such an invading force. Her people, both soldiers and civilians, were engaged in a violent quarrel among themselves, and there was no organized government. It was a dark hour for Texas.

CHAPTER XL.

AUSTIN'S DEFENSE OF TEXAS.

FROM the moment that it became apparent that a war to the limit must be waged with the Mexican government, Texas leaders recognized that assistance from the people of the United States would be essential. And from the very first public sentiment in the United States in favor of Texas was widespread. The American government, to be sure, was compelled to hold aloof and maintain an attitude of "strict neutrality." But the sympathy of the people was unmistakable. President Jackson personally was very friendly to the cause of the Texans, but for this very reason it was necessary to be careful in dealing with the question. For the sentiment of the people, whole-hearted as it was in wishing success to the Texans in their struggle and frequently as it expressed itself in the rendering of material aid, did not go to the extent of being willing to involve the country in a war with Mexico. Indeed, there was strong sentiment in certain quarters against such involvement, and Jackson was conscious of this. Moreover, relations with Mexico were not of the most amicable character at the moment. The old suspicion that the American government was intriguing to separate Texas from Mexico was aroused anew when the trouble began in the summer of 1835. It happened that Butler, the American chargé d'affaires at Mexico City, had gone to Washington for a conference with the President shortly before

this, and on the return trip had passed through Texas during the month of July. When the Texas disturbances assumed a serious aspect, the Mexican officials immediately associated the two events in their minds, and jumped at the conclusion that there was a direct relation between Butler's trip through Texas and the trouble among the colonists. Accordingly, Butler's recall was requested.

On October 21, 1835, the Mexican minister of foreign relations wrote the chargé d'affaires in Washington, saying that public opinion in Mexico was very unfavorable toward Butler. Intrigues unbecoming a diplomatic agent were imputed to him, the minister wrote, and added that this imputation "is strengthened by the present occurrences in Texas, the revolt there having commenced whilst that gentleman was in those parts." He instructed the Mexican chargé d'affaires to request Butler's recall in order that the necessity of tendering him a passport might be avoided. In response to this request Butler was recalled on December 16, 1835. In the meantime, however, on November 4, 1835, the American secretary of state sent a warning circular to the United States district attorneys in several states announcing the fixed determination of the President to see that American citizens should refrain from intermeddling in the domestic affairs of Mexico, and giving instructions that prompt attention should be given to contemplated or attempted movements of a hostile character against Mexico and all violations of the neutrality laws vigorously prosecuted.

No formal complaint on this latter point had been

received from Mexico at the time this warning was issued, but two weeks later the Mexican foreign minister, in a note to the American secretary of state, did make such complaint. "The Texan colonists," he wrote, "have obtained and do daily obtain from New Orleans supplies of every kind, in provisions, in arms and munitions of war, in money, in men who are openly enlisted in that city, and who leave there under arms to make war against a friendly nation and, by their mere presence, to render more difficult the peaceful solution of a purely domestic question."

This complaint, as well as the warning circular of the American secretary of state, was prompted by the activities of the "Texas Committees" which had sprung into existence spontaneously at New Orleans, Mobile, Natchitoches, Louisville and elsewhere during the fall of 1835, and by the expeditions of such organizations as the New Orleans Grays, and of individual volunteers who responded to the first call of the Texans for aid. It is not necessary to impute to the United States district attorneys a lack of zeal for enforcement of the neutrality laws to explain the ease with which these activities were carried on. In the first place it was not a violation of the neutrality laws to hold meetings, collect money or send provisions into Texas. Nor was it against the law for "immigrants" to go to Texas. The provisional government of Texas made provision, before the quarrel between the governor and council reached the breaking stage, for the granting of letters of marque to privateers and created a Texas navy by the purchase of four schooners—the *Liberty*, *Invincible*, *Independence* and

Brutus. Mexico was without a navy, so the Texas vessels, flying the Mexican flag bearing the inscription, "1824," ruled the Gulf of Mexico. It was not difficult to land men, arms and provisions on the shores of Texas, and the friends of Texas were careful to comply with the letter of the neutrality laws. It was next to impossible to obtain evidence that an impartial jury would regard as decisive, to say nothing of obtaining impartial juries either to indict or convict. The protests of the Mexican government were unavailing, therefore, in stopping the movement of men and arms into Texas, but the situation thus created did impose a task of greater delicacy upon the American government in maintaining technical neutrality.

It was with the object of stimulating this movement and of negotiating a loan that would supply adequate funds in time to be effective that Austin, Wharton and Archer had been sent to the United States. Their reception at New Orleans has already been referred to, but the matter of obtaining large sums of ready money did not turn out to be as easy as it appeared at first it would be. Only ten per cent of the first loan of two hundred thousand dollars which was subscribed by ten individuals, was paid in cash, and the only other loan negotiated at New Orleans by the commissioners was for fifty thousand dollars, which actually yielded about forty-five thousand dollars. These loans were really contracts to buy land at fifty cents an acre. The money was to be repaid if the land was not purchased, but all of the parties intended to take the land and sell it at a profit. It was not until May 1 that another loan of one hundred thousand dollars was negotiated in New

York. Donations in cash, therefore, either directly to the Texas government or for the fitting out of men to go to Texas, continued to be important.

The three commissioners spent January, February and March in arousing public sentiment in favor of the cause of the Texans. They addressed meetings and appointed local committees and agents authorized to receive donations, either to be sent to Texas or to equip expeditions. From New Orleans they went to Nashville, Louisville and Cincinnati, and then to Washington. From Washington Austin and Wharton went to New York, and Archer to Richmond. Everywhere they went they found friends, and the proportions which the movement of men into Texas had reached immediately following the battle of San Jacinto in April prove that had the struggle been protracted it would have grown to thousands in a few months, and amply testify to the success of their mission. Rumors of the trouble between the governor and the council had an injurious effect upon their efforts to negotiate loans, but the sympathy of the public and the enlistment of volunteers continued unabated. An address delivered to a mass meeting at Louisville by Austin, which stands today as the best and most comprehensive exposition and defense of the cause of the Texans, was printed as a pamphlet and given a wide circulation. This was done also with an address which Wharton delivered on a later date in New York.

Austin's Louisville address is one of the classics of Texas history, and as it was delivered at a time when it was not known in the United States that Santa Anna and his army had arrived on Texas soil or that the convention had formally declared independence, it is proper

to introduce it here. The occasion for the address was a meeting of Texas sympathizers at the Second Presbyterian church at Louisville on March 5. No other address or document of the period equals it as a complete and unanswerable vindication of the Texas revolution and the separation of Texas from Mexico, and as such it is commended to all students of American history, especially those who still adhere to the belief that Texas became United States territory as the result of an "unholy war" waged in the interest of the institution of slavery. Its full text follows:

"It is with the most unfeigned and heartfelt gratitude that I appear before this enlightened audience to thank the citizens of Louisville, as I do in the name of the people of Texas, for the kind and generous sympathy they have manifested in favor of the cause of that struggling country, and to make a plain statement of facts explanatory of the contest in which Texas is engaged with the Mexican government.

"The public has been informed through the medium of the newspapers that war existed between the people of Texas and the present government of Mexico. There are, however, many circumstances connected with this contest, its origin, its principles, and objects, which, perhaps, are not so generally known, and are indispensable to a full and proper elucidation of this subject.

"When a people consider themselves compelled by circumstances or by oppression to appeal to arms and resort to their natural rights, they necessarily submit their cause to the great tribunal of public opinion. The people of Texas, confident of the justice of their cause, fearlessly and cheerfully appeal to this tribunal. In

doing this, the first step is to show, as I trust I shall be able to do by succinct statement of facts, that our cause is just, and is the cause of right and liberty; the same holy cause for which our forefathers fought and bled; the same that has an advocate in the bosom of every freeman, no matter in what country or by what people it may be contended for.

"But a few years back Texas was a wilderness, the home of the uncivilized Comanches and other tribes of Indians, who waged a constant and ruinous warfare against the Spanish settlements. These settlements at that time were limited to the small towns of Béxar (commonly called San Antonio) and Goliad, situated on the western limits. The incursions of the Indians also extended beyond the Rio Bravo del Norte and desolated that part of the country.

"In order to restrain these savages and bring them into subjection, the government opened Texas for settlement. Foreign emigrants were invited and called to that country. American enterprise accepted that invitation and promptly responded to the call. The first colony of Americans or foreigners ever settled in Texas was by myself. It was commenced in 1821 under a permission to my father, Moses Austin, from the Spanish government, previous to the independence of Mexico, and has succeeded by surmounting those difficulties and dangers incident to all new and wilderness countries infested by hostile Indians. These difficulties were many and at times appalling, and can only be appreciated by the hardy pioneers of this western country, who have passed through similar scenes.

"The question here naturally occurs: What induce-

ments, what prospects, what hopes could have stimulated us, the pioneers and settlers of Texas, to remove from the midst of civilized society, to expatriate ourselves from this land of liberty; from this our native country, endeared to us as it was, and still is and ever will be, by the ties of nativity, the reminiscences of childhood and youth and local attachments, of friendship and relationship? Can it for a moment be supposed that we severed all these ties—the ties of nature and of education—and went to Texas to grapple with the wilderness and savage foes merely from a spirit of wild and visionary adventure, without guarantees of protection for our persons and property and political rights? No! It cannot be believed. No American, no Englishman, no one of any nation who has a knowledge of the people of the United States or of the prominent characteristics of the Anglo-Saxon race to which we belong—a race that in all ages and in all countries wherever it has appeared has been marked by a jealous and tenacious watchfulness of its liberties, and for a cautious and calculating view of the probable events of the future—no one who has a knowledge of this race can or will believe that we moved to Texas without such guarantees as free-born and enterprising men naturally expect and require.

"The fact is, we had such guarantees; for, in the first place, the government bound itself to protect us by the mere act of admitting us as citizens, on the general and long-established principle, even in the dark ages, that protection and allegiance are reciprocal—a principle which in this enlightened age has been extended much further; for its revised interpretation now is, that the

object of government is the well-being, security, and happiness of the governed, and that allegiance ceases whenever it is clear, evident and palpable that this object is in no respect effected.

"But besides this general guarantee we had others of a special, definite, and positive character; the colonization laws of 1823, 1824 and 1825, inviting emigrants generally to the country, specially guaranteed protection for person and property and the right of citizenship.

"When the federal system and Constitution were adopted in 1824, and the former provinces became states, Texas, by its representative in the Constituent Congress, exercised the right which was claimed and exercised by all the provinces, of retaining within her own control the rights and powers which were confederated together to form the federal republic of Mexico. But not possessing at that time sufficient population to become a state by herself, she was with her own consent united provisionally with Coahuila, a neighboring province or society, to form the state of Coahuila and Texas, until Texas possessed the necessary elements to prove a separate state of herself! I quote the words of the constitutional or organic act passed by the Constituent Congress of Mexico, on the 7th of May, 1824, which establishes the state of Coahuila and Texas. This law and the principles on which the Mexican federal compact was founded gave to Texas a specific political existence, and vested in her inhabitants the special and well-defined rights of self-government as a state of the Mexican confederation, as soon as she 'possessed the necessary elements'. Texas consented to the provisional union with Coahuila on the faith of this guarantee. It was there-

fore a solemn compact which neither the state of Coahuila and Texas nor the general government of Mexico can change without the consent of the people of Texas.

"In 1833, the people of Texas, after a full examination of their population and resources, and of the law and Constitution, decided in a general convention elected for that purpose that the period had arrived contemplated by said law and compact of the 7th of May, 1824, and that the country possessed the necessary elements to form a state separate from Coahuila. A respectful and humble petition was accordingly drawn up by this convention, addressed to the general Congress of Mexico, praying for the admission of Texas with the Mexican confederation as a state.

"I had the honor of being appointed by the convention the commissioner or agent of Texas to take this petition to the City of Mexico and present it to the government. I discharged this duty to the best of my feeble abilities, and, as I believed, in a respectful manner. Many months passed and nothing was done with the petition, except to refer it to a committee of Congress, where it slept and was likely to sleep. I finally urged the just and constitutional claims of Texas to become a state in the most pressing manner, as I believed it to be my duty to do; representing also the necessity and good policy of this measure, owing to the almost total want of local government of any kind, the absolute want of a judiciary, the evident impossibility of being governed any longer by Coahuila (for three-fourths of the legislature were from there), and the consequent anarchy and discontent that existed in Texas. It was my misfortune

to offend the high authorities of the nation—my frank and honest exposition of the truth was construed as threats.

"At this time (September and October, 1833), a revolution was raging in many parts of the nation, and especially in the vicinity of the City of Mexico. I despaired of obtaining anything, and wrote to Texas recommending to the people there to organize a state *de facto* without waiting any longer. This letter may have been imprudent as respects the injury it might do me personally, but how far it was criminal and treasonable, considering the revolutionary state of the whole nation, and the peculiar claims and necessities of Texas, impartial men must decide. It merely expresses an opinion. This letter found its way from San Antonio de Béxar (where it was directed) to the government. I was arrested at Saltillo, two hundred leagues from Mexico, on my way home, taken back to that city, and imprisoned one year, three months of the time in solitary confinement without books or writing materials, in a dark dungeon of the former inquisition prison. At the close of the year I was released from confinement, but detained six months in the city on heavy bail. It was nine months after my arrest before I was officially informed of the charges against me, or furnished with a copy of them. The constitutional requisites were not observed, my constitutional rights as a citizen violated, the people of Texas were outraged by this treatment of their commissioner, and their respectful, humble and just petition disregarded.

"These acts of the Mexican government, taken into consideration with many others and with the general

revolutionary situation of the interior of the republic, and the absolute want of local government in Texas, would have justified the people of Texas in organizing themselves as a state of the Mexican confederation, and if attacked for so doing, in separating from Mexico; they would have been justifiable in doing this, because such acts were unjust, ruinous and oppressive, and self-preservation required a local government in Texas, suited to the situation and necessities of the country and the character of its inhabitants. Our fathers in '76 flew to arms for much less. They resisted a principle, 'the theory of oppression'; but in our case it was reality—it was a denial of justice and our guaranteed rights—it was oppression itself.

"Texas, however, even under these aggrieved circumstances, forbore and remained quiet. The Constitution, although outraged by the sport of faction and revolution, still existed in name, and the people of Texas still looked to it with the hope that it would be sustained and executed, and the vested rights of Texas respected. I will now proceed to show how this hope was defeated by the total prostration of the Constitution, the destruction of the federal system, and the dissolution of the federal compact.

"It is well known that Mexico has been in constant revolution and confusion, with only a few short intervals, ever since its separation from Spain in 1821. This unfortunate state of things has been produced by the efforts of the ecclesiastical and aristocratical party to oppose republicanism, overturn the federal system and Constitution, and establish a monarchy or a consolidated government of some kind.

"In 1834, the President of the republic, General Santa Anna, who heretofore was the leader and champion of the republican party and system, became the head and leader of his former antagonists, the aristocratic and church party. With this accession of strength his party triumphed. The constitutional Congress of 1834, which was decided republican and federal, was dissolved in May of that year by a military order of the President before its constitutional term had expired. The council of government, composed of half the Senate, which, agreeable to the Constitution, ought to have been installed the day after closing the session of Congress, was also dissolved, and a new revolutionary and unconstitutional Congress was convened by another military order of the President. This Congress met on the 1st of January, 1835. It was decidedly aristocratic, ecclesiastical, and central in its politics. A number of petitions were presented to it from several towns and villages, praying that it would change the federal form of government and establish a central form. These petitions were all of a revolutionary character, and were called pronunciamentos. They were formed by partial and revolutionary meetings, gotten up by the military and priests. Petitions in favor of the federal system and Constitution, and protests against such revolutionary measures, were also sent in by the people and by some State legislatures who still retained firmness to express their opinions. The latter were disregarded and their authors prosecuted and imprisoned. The former were considered sufficient to invest Congress with plenary powers. It accordingly issued a decree, deposed the constitutional Vice-President, Gómez Farias, who was a

leading Federalist, without any impeachment or trial, or even the form of a trial, and elected another of their own party, General Barragán, in his place. By another decree it united the Senate with the House of Representatives in one chamber, and, thus constituted, it declared itself vested with full powers as a national convention. In accordance with these usurped powers, it proceeded to annul the federal Constitution and system, and to establish a central or consolidated government. How far it has progressed in the details of this new system is unknown to us. The decree of the 3d of October last, which fixes the outlines of the new government, is, however, sufficient to show that the federal system and compact is dissolved, and centralism established; the states are converted into departments. This decree is as follows, as translated:

"'DECREE OF THE 3D OF OCTOBER, 1835.

"'Office of the First Secretary of State—Interior Department.

"'His Excellency the President *pro tem.* of the Mexican United States to the inhabitants of the republic: Know ye, that the general Congress has decreed the following:

"'Article 1. The present governors of the states shall continue, notwithstanding the time fixed by the Constitution may have expired; but shall be dependent for their continuance in the exercise of their attributes upon the supreme government of the nation.

"'Art. 2. The legislatures shall immediately cease to exercise their legislative functions; but before dissolving (and those which may be in recess meeting for the purpose), they shall appoint a department council, com-

posed for the present of five individuals, chosen either within or without their own body, to act as a council to the governor; and in case of a vacancy in that office, they shall propose to the supreme general government three persons possessing the qualifications hitherto required; and until an appointment be made, the gubernatorial powers shall be exercised by the first on the list who is not an ecclesiastic.

" 'Art. 3. In those states where the legislature cannot be assembled within eight days, the ayuntamiento of the capital shall act in its place only for the purpose of electing the five individuals of the department council.

" 'Art. 4. All judges and tribunals of the states, and the administration of justice, shall continue as hitherto, until the organic law relative to this branch be formed. The responsibilities of the functionaries, which only could be investigated before Congress, shall be referred to and concluded before the Supreme Court of the nation.

" 'Art. 5. All the subaltern officers of the states shall also continue for the present (the places which are vacant not to be filled), but they, as well as the officers, revenues and branches under their charge, remain subject to and at the disposal of the supreme government of the nation, by means of their respective governors.

" 'MIGUEL BARRAGAN, *President pro tem.*

" 'MANUEL DIOS DE BONILLA, *Secretary of State.*

" 'City of Mexico, October 3, 1835.'

"To explain by a comparison the unconstitutional power vested by the decree of the 3d of October in the ayuntamientos, or corporations of capitals of the states, we have only to suppose that a similar decree to this one

of the 3d of October was passed by the Congress of the United States, and that the Legislature of Kentucky was not in session and could not be convened, and that the corporation or municipal authorities of Frankfort, acting in the name and as the representative of the whole state, was to nominate five persons to compose the department council of Kentucky, which by such decree as the one of the 3d of October would be converted from a state into a department of the consolidated government, like the departments of France.

"For the information of those who are not acquainted with the organization of the Mexican republic, under the federal system and constitution of 1824, it may be necessary to state that this Constitution is copied, as to its general principles, from that of the United States. The general Congress had the same organization and was elected in the same manner. A Senate, elected by the State Legislature for four years, and a House of Representatives, elected by the people for two years. A President and Vice-President elected for four years, and removable only by impeachment and trial. The mode of amending the Constitution was clearly fixed. The powers of the states were the same in substance as the states of the United States, and in some instances greater. During the recess of Congress, half of the Senate formed the council of government.

"By keeping these facts in view, and then supposing the case that the President and Congress of the United States were to do what the President and Congress of Mexico have done, and that one of the States was to insist on sustaining the Federal Constitution and State

rights, a parallel case would be presented to the present contest between Texas and the revolutionary government of Mexico.

"In further elucidation of this subject I will present an extract from a report made by me to the provisional government of Texas on the 30th of November last, communicating the said decree of the 3d of October.

" 'That every people have the right to change their government is unquestionable; but it is equally certain and true that this change, to be morally or politically obligating, must be effected by the free expression of the community, and by legal and constitutional means, for otherwise the stability of government and of the rights of the people would be at the mercy of fortunate revolutionists—of violence and faction. Admitting, therefore, that a central or despotic or strong government is best adapted to the education and habits of a portion of the Mexican people, and that they wish it; this does not and cannot give to them the right to dictate by unconstitutional means and force to the other portion, who have equal rights, and differ in opinion.

" 'Had the change been effected by constitutional means, or had a national convention been convened, and every member of the confederacy been fairly represented, and a majority agreed to the change, it would have placed the matter on different ground; but even then it would be monstrous to admit the principle that a majority have a right to destroy the minority, for the reason that self-preservation is superior to all political obligations. That such a government as is contemplated by the before-mentioned decree of the 3d of October would destroy the people of Texas must be evident to all,

when they consider its geographical situation, so remote from the contemplated centre of legislation and power, populated as it is by a people who are so different in education, habits, customs, language and local wants, from all the rest of the nation, and especially when a portion of the Central party have manifested violent religious and other prejudices and jealousies against them. But no national convention was convened, and the Constitution has been, and now is, violated and disregarded. The constitutional authorities of the state of Coahuila and Texas solemnly protested against the change of government, for which act they were driven by military force from office and imprisoned. The people of Texas protested against it, as they had a right to do, for which they have been declared rebels by the government of Mexico.

" 'The decree of the 3d of October, therefore, if carried into effect, evidently leaves no remedy for Texas but resistance, secession from Mexico, and a direct resort to natural rights.'

"These revolutionary measures of the party who had usurped the government in Mexico were resisted by the people of the states of Oaxaca, Mexico, Jalisco, and other parts of the nation. The state of Zacatecas took up arms, but its efforts were crushed by an army headed by the President, General Santa Anna, in person, and the people of that state were disarmed and subjected to a military government. In October last a military force was sent to Texas under Cos, for the purpose of enforcing these unconstitutional and revolutionary measures, as had been done in Zacatecas and other parts of the nation. This act roused the people of Texas and the war commenced.

"Without exhausting the patience by a detail of numerous other vexatious circumstances and violation of our rights, I trust that what I have said on this point is sufficient to show that the federal social compact of Mexico is dissolved; that we have just and sufficient cause to take up arms against the revolutionary government which has been established; that we have forborne until the cup is full to overflowing, and that further forbearance or submission on our part would have been both ruinous and degrading; and that it was due to the great cause of liberty, to ourselves and to our posterity, and to the free blood which, I am proud to say, fills our veins, to resist and proclaim war against such acts of usurpation and oppression.

"The justice of our cause being clearly shown, the most important question that naturally presents itself to the intelligent and inquiring mind is, What are the objects and intentions of the people of Texas?

"To this we reply that our object is Freedom—civil and religious freedom; emancipation from that government and that people, who, after fifteen years' experiment since they have been separated from Spain, have shown that they are incapable of self-government, and that all hopes of anything like stability or rational liberty in their political institutions—at least for many years—are vain and fallacious.

"This object we expect to obtain by a total separation from Mexico, as an independent community—a new republic—or by becoming a State of the United States. Texas would have been satisfied to have been a state of the Mexican confederation, and she made every constitutional effort in her power to become one. But that is no

longer practicable, for that confederation no longer exists. One of the two alternatives above mentioned, therefore, is the only resource which the revolutionary government of Mexico has left her. Either will secure the liberties and prosperity of Texas, for either will secure to us the right of self-government over a country which we have redeemed from the wilderness, and conquered without any aid or protection whatever from the Mexican government (for we never received any), and which is clearly ours—ours by every principle upon which original titles to countries are and ever have been founded. We have explored and pioneered it, developed its resources, made it known to the world, and given to it a high and rapidly increasing value. The federal republic of Mexico had a constitutional right to participate generally in this value, but it had not, and cannot have, any other; and this one has evidently been forfeited and destroyed by unconstitutional acts and usurpation, and by the total dissolution of the social compact. Consequently, the true and legal owners of Texas, the only legitimate sovereigns of that country, are the people of Texas.

"It is also asked, What is the present situation of Texas, and what are our resources to effect our objects and defend our rights?

"The present position of Texas is an absolute declaration of independence—a total separation from Mexico. This declaration was made on the 7th of November last. It is as follows:

" 'Whereas, General Antonio López de Santa Anna, and other military chieftains, have, by force of arms, overthrown the federal Constitution of Mexico, and dis-

solved the social compact which existed between Texas and the other members of the Mexican confederacy, now the good people of Texas, availing themselves of their natural rights, solemnly declare:

"'1st. That they have taken up arms in defense of their rights and liberties which were threatened by encroachments of military despots, and in defense of the republican principles of the federal Constitution of Mexico of 1824.

"'2d. That Texas is no longer morally or civilly bound by the compact of union; yet stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican confederation as will take up arms against military despotism.

"'3d. That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

"'4th. That they will not cease to carry on war against the said authorities whilst their troops are within the limits of Texas.

"'5th. That they hold it to be their right during the disorganization of the federal system and the reign of despotism to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican government so long as that nation is governed by the Constitution and laws that were framed for the government of the political association.

"'6th. That Texas is responsible for the expenses of her armies now in the field.

" '7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

" '8th. That she will reward by donations in lands all who volunteer their services in her present struggle and receive them as citizens.

" '9th. This declaration we solemnly avow to the world, and call God to witness their truth and sincerity, and invoke defeat and disgrace upon our heads should we prove guilty of duplicity.'

"It is worthy of particular attention that the declaration affords another and an unanswerable proof of the forbearance of the Texans and of their firm adherence, even to the last moment, to the Constitution which they had sworn to support, and to their political obligations as Mexican citizens. For, although at this very time the federal system and Constitution of 1824 had been overturned and trampled underfoot by military usurpation in all other parts of the republic, and although our country was actually invaded by the usurpers for the purpose of subjecting us to the military rule, the people of Texas still said to the Mexican nation: 'Restore the federal Constitution, and govern in conformity to the social compact which we all are bound by our oaths to sustain, and we will continue to be a member of the Mexican confederation.'

"This noble and generous act, for such it certainly was under the circumstances, is of itself sufficient to repel and silence the false charges which the priests and despots of Mexico have made of the ingratitude of the Texans. In what does this ingratitude consist? I cannot see, unless it be in our enterprise and perseverance in giving value

to a country that the Mexicans considered valueless, and thus exciting their jealousy and cupidity.

"To show more strongly the absurdity of this charge of ingratitude, etc., made by the general government of Mexico, and of the pretended claims to liberality, which they set up for having given fortunes in land to the settlers of Texas, it must be remembered that, with the exception of the first three hundred families settled by myself, the general government have never granted nor given one foot of land in Texas. The vacant land belonged to the state of Coahuila and Texas, so long as they remained united, and to Texas, as soon as she was a state separate from Coahuila. Since the adoption of the federal system in 1824 the general government have never had any power or authority whatever to grant, sell or give any land in Texas, nor in any other state. The lands of Texas have therefore been distributed by the state of Coahuila and Texas (with the exception of the three hundred families above mentioned) and not by the general government, and, consequently, it is truly absurd for the government to assume any credit for an act in which it had no participation, and more especially when it has, for years passed, thrown every obstacle in the way to impede the progress of Texas, as is evident from the eleventh article of the law of the 6th of April, 1830, which absolutely prohibited emigration to Texas of citizens of the United States; and many other acts of similar nature—such as vexatious custom-house regulations, passports and garrisoning the settled parts of the country where troops were not needed to protect it from the Indians, nor from any other enemy. It is, therefore, clear that if any credit for liberality is due, it is to the state

government, and how far it is entitled to this credit men of judgment must decide, with the knowledge of the fact that it sold the lands of Texas at from thirty to fifty dollars per square league, Mexican measure, which is four thousand four hundred and twenty-eight acres English, and considered they were getting a high price and full value for it.

"The true interpretation of this charge of ingratitude is as follows: The Mexican government have at last discovered that the enterprising people who were induced to move to Texas by certain promises and guarantees, have by their labors given value to Texas and its lands. An attempt is therefore made to take them from us and to annul all those guarantees, and we are ungrateful because we are not sufficiently 'docile' to submit to this usurpation and injustice, as the 'docile' Mexicans have in other parts of the nation.

"To close this matter about ingratitude I will ask, if it was not ingratitude in the people of the United States to resist the 'theory of oppression' and separate from England, can it be ingratitude in the people of Texas to resist oppression and usurpation by separating from Mexico?

"To return to the declaration of the 7th of November last, it will be observed that it is a total separation from Mexico, an absolute declaration of independence, in the event of the destruction of the federal compact or system and the establishment of centralism. This event has taken place. The federal compact is dissolved and a central or consolidated government established. I therefore repeat that the present position of Texas is absolute independence, a position in which we have been placed by

the unconstitutional revolutionary acts of the Mexican government. The people of Texas firmly adhered to the last moment to the Constitution which they and the whole nation had sworn to support.

"The government of Mexico have not, the party now in power have, overthrown the constitutional government and violated their oaths; they have separated from their obligations, from their duty and from the people of Texas, and, consequently, they are true rebels. So far from being grateful, as they ought to be, to the people of Texas for having given value to that country and for having adhered to their duty and constitutional obligations, the Mexicans charge us with these very acts as evidence of ingratitude. Men of judgment and impartiality must decide this point and determine who has been, and now is, ungrateful.

"In order to make the position of Texas more clear to the world, a convention has been called to meet the 1st of March, and is no doubt now in session, for the express purpose of publishing a positive and unqualified declaration of independence and organizing a permanent government.

"Under the declaration of the 7th of November a provisional government has been organized, compounded of an executive head, or governor, a legislative council and judiciary. A regular army had been formed, which is now on the western frontier, prepared to repel an invasion, should one be attempted. A naval force has been fitted out which is sufficient to protect our coast. We have met the invading force that entered Texas in October under General Cos and beaten him in every contest and skirmish, and driven every hostile soldier out of

Texas. In San Antonio de Béxar he was intrenched in strong fortifications, defended by heavy cannon and a strong force of regular troops greatly superior to ours in numbers, which was of undisciplined militia, without any experienced officer. This place was besieged by the militia of Texas. The enemy was driven into his works, his provisions cut off, and the spirits and energy of his soldiers worn down, with the loss of only one man to the Texans, and the place was then taken by storm. A son of Kentucky, a noble and brave spirit from the land of liberty and chivalry, led the storm. He conquered and died as such a spirit wished to die, in the cause of liberty and in the arms of victory. Texas weeps for Milam; Kentucky has cause to be proud of her son. His free spirit appeals to his countrymen to embark in the holy cause of liberty for which he died and to avenge his death.

"I pass to the resources of Texas. We consider them sufficient to effect and sustain our independence. We have one of the finest countries in the world, a soil surpassed by none for agriculture and pasturage, not even by the fairest portions of Kentucky; a climate that may be compared to Italy; within the cotton or sugar region, intersected by navigable rivers and by the coast of the Gulf of Mexico, on which there are several fine bays and harbors suitable for all purposes of commerce; a population of about seventy thousand, which is rapidly increasing, and is generally composed of men of very respectable education and property, enterprising, bold and energetic, devotedly attached to liberty and their country, inured to the use of arms, and at all times ready to use them and defend their homes, inch by inch, if neces-

sary. The exportation of cotton is large; sheep, cattle and hogs are very abundant and cheap. The revenue from importations and direct taxes will be considerable and rapidly increasing. The vacant lands are very extensive and valuable, and may be safely relied upon as a great source of revenue and as bounties to emigrants.

"The credit of Texas is good, as is proved by the extensive loans already negotiated. The country and army are generally well supplied with arms and ammunition, and the organized force in February last in the field exceeded two thousand and is rapidly increasing. But besides these resources we have one which ought not, and certainly will not, fail us; it is our cause—the cause of right and liberty, of religious toleration and pure religion. To suppose that such a cause will fail when defended by Anglo-Saxon blood and by Americans, and on the limits and at the very door of this free and philanthropic and magnanimous nation, would be calumny against republicanism and freedom, against a noble race, and against the philanthropic principles of the people of the United States. I therefore repeat that we consider our resources sufficient to effect our independence against the Mexicans, who are disorganized and enfeebled by revolution and almost destitute of funds and credit.

"Another interesting question which naturally occurs to everyone is, What great benefits and advantages are to result to philanthropy and religion or to the people of these United States from the emancipation of Texas? To this we reply that ours is most truly and emphatically the cause of liberty, which is the cause of philanthropy, of religion, of mankind, for in its train follow freedom of conscience, pure morality, enterprise, the arts and

sciences, all that is dear to the noble-minded and the free, all that renders life precious. On this principle the Greeks and the Poles, and all others who have struggled for liberty, have received the sympathies or aid of the people of the United States. On this principle the liberal party in priest-ridden Spain is now receiving the aid of high-minded and free-born Englishmen. On this same principle Texas expects to receive the sympathy and aid of their brethren, the people of the United States, and of the freemen of all nations. But the Greeks and the Poles are not parallel cases with ours; they are not the sons and daughters of Anglo-Americans. We are. We look to this happy land as to a fond mother from whose bosom we have imbibed these great principles of liberty, which are now nerving us, although comparatively few in number and weak in resources, to contend against the whole Mexican nation in defense of our rights.

"The emancipation of Texas will extend the principles of self-government over a rich and neighboring country, and open a vast field there for enterprise, wealth and happiness, and for those who wish to escape from the frozen blasts of a northern climate by removing to a more congenial one. It will promote and accelerate the march of the present age, for it will open a door through which a bright and constant stream of light and intelligence will flow from this great northern fountain over the benighted region of Mexico.

"That nation of our continent will be regenerated; freedom of conscience and rational liberty will take root in that distant, and by nature most favored, land; where for ages past the upas shadow of the inquisition, of in-

tolerance, and of despotism has paralyzed, and sickened, and deadened every effort in favor of civil and religious liberty.

"But apart from these great principles of philanthropy, and narrowing down this question to the contracted lines of cold and prudent political calculation, a view may be taken of it which doubtless has not escaped the penetration of the sagacious and cautious politicians of the United States. It is the great importance of Americanizing Texas, by filling it with a population from this country who will harmonize in language, in political education, in common origin, in everything, with their neighbors to the east and north. By this means Texas will become a great outwork on the west to protect the outlet of this western world, the mouth of the Mississippi, as Alabama and Florida are on the east; and to keep far away from the southwestern frontier—the weakest and most vulnerable in the nation—all enemies who might make Texas a door for invasion, or use it as a theatre from which mistaken philanthropists and wild fanatics might attempt a system of intervention in the domestic concerns of the South, which might lead to a servile war, or at least jeopardizing the tranquillity of Louisiana and the neighboring states.

"This view of the subject is a very important one, so much so, that a bare allusion to it is sufficient to direct the mind to the various interests and results, immediate and remote, that are involved.

"To conclude, I have shown that our cause is just and righteous, that it is the great cause of mankind, and as such merits the approbation and moral support of this magnanimous and free people, that our object is in-

dependence as a new republic, or to become a State of the United States; that our resources are sufficient to sustain the principles we are defending; that the results will be the promotion of the great cause of liberty, of philanthropy and religion, and of the protection of a great and important interest of the people of the United States.

"With these claims to the approbation and moral support of the free of all nations, the people of Texas have taken up arms in self-defense, and they submit their cause to the judgment of an impartial world and to the protection of a just and omnipotent God."

CHAPTER XLI.

THE MEXICAN INVASION.

WHILE the three commissioners were laboring to arouse the sympathy of the American people and to obtain assistance for the Texans in their struggle, Santa Anna's forces were moving into Texas. Johnson and Grant, who had reached an agreement with Fannin by which they were to cooperate in the expedition against Matamoros, established headquarters at San Patricio, while Fannin, with the Georgia Battalion, a Kentucky company and a few Texas volunteers, less than five hundred in all, occupied the fort at Goliad. With Johnson and Grant were about one hundred men, including the New Orleans Grays under Major Morris. At San Antonio, Colonel Neill had received a small reinforcement under Colonel Bowie, but there were still less than two hundred men at that place. Santa Anna was with the main body of his army at San Juan Bautista on the Rio Grande, and Urrea was moving from Saltillo, with six hundred men, to Matamoros, where he would be joined by three hundred more from Campeche. The Mexicans were moving in accordance with a well-conceived plan of campaign, under a commander, Santa Anna, whose authority was supreme and undisputed. The Texans were divided in their plans and without any single authority recognized by all, either from a civil or a military standpoint. Such was the situation in the middle of February.

Urrea reached Matamoros in due time, and on February 17 crossed the Rio Grande and marched toward San Patricio. Five days before, the advance of Santa Anna's main army started from San Juan Bautista, under Ramírez y Sesma, for San Antonio. Johnson and Grant, all unconscious of Urrea's approach, occupied the time in scouring the country surrounding San Patricio in search of horses for Fannin's cavalry. While returning from such an expedition on February 24, Grant, learning that there were a number of horses and mules some distance away, proposed that they go after them. Johnson opposed this, saying that they now had about all the horses they needed and that the expedition was unnecessarily dangerous. Neither Grant nor Johnson was in absolute command of the little company of troops, and as Major Morris also favored Grant's proposal, Johnson finally agreed to divide the force equally, one-half the force, about fifty men, to go with Grant and Morris, while he returned to San Patricio with the other half. So it was that with Urrea's force approaching San Patricio the already weak defense of the place was still further reduced.

On the night of February 27 Urrea's advance reached San Patricio, taking Johnson and his men completely by surprise. The orders to show no quarter were carried out ruthlessly, scarcely a half-dozen of Johnson's forces escaping alive. Johnson himself and three companions, including Daniel J. Toler, Grant's business partner, were rooming together, and the house in which they were living was surrounded before they were apprised of the enemy's approach. The Mexican officer in command demanded that the door be opened. "There being no

light in the house," writes Johnson, "the officer ordered a light to be made. Toler, who spoke the Castilian well, kept the officer in conversation while he pretended to be complying with the order. While thus engaged, fortunately for the inmates of the house, a fire was opened on the street in front, whether at a squad of their own men or at Texans is not known. This drew those in the rear of the house to the front. Apprised of this, Colonel Johnson gave the order to open the rear door, and to pass out, and escape if we could. The order was promptly obeyed; and the party escaped in safety to Goliad after some suffering and fatigue. The first night we stopped near Refugio, where we were joined by one of our companions, . . . and by one or two at Goliad, who, like ourselves, had escaped from San Patricio."

Having thus disposed of Johnson and his little company, Urrea then turned his attention to Grant, Morris and the remainder of the men, who were still absent in search of horses. On March 2, they were located about twenty miles west of San Patricio, near Agua Dulce, and massacred, only three escaping with their lives. One of these, R. R. Brown, who had come from Georgia a short time before to help the Texans, and had joined Grant at San Antonio, was taken as a prisoner to Matamoros. Subsequently he escaped, and his account of the massacre of Grant and his men, written years later, gives a vivid picture of the affair.

"We had reached Agua Dulce, within some twenty miles of San Patricio," he writes, "and, in high spirits, we made an early start from that place, Colonel Grant, Placido Benavides and myself being about a half a mile ahead to lead the horses, and the rest of the company

following. We were passing between two large motts, when suddenly there came out from each of those motts several hundred Mexican dragoons, who quickly closed in, surrounding both the horses and our party. Grant, Placido and myself might then have made our escape, as we were well mounted and some distance in advance; but our first impulse being to relieve our party, we returned without reflecting upon the impossibility of doing any good against so large a number, for there were at least one thousand dragoons (this is a palpable exaggeration, caused by excitement), under the immediate command of Urrea himself.

"We then at once understood that Urrea had come in on the main road some distance below, or to the south of us—that he had been to San Patricio, and had probably slaughtered Johnson and his party. Placido wished to return with us, but Grant persuaded him to start forthwith for Goliad, and give Fannin information of Urrea's arrival. We had been absent from San Patricio some ten or twelve days. As Grant and myself approached to join our party, the dragoons opened their line and we passed in. We at once saw that some of our party had already been killed, and we decided to sell our lives as dearly as possible. My horse was quickly killed with a lance, but Grant told me to mount Major Morris's horse, as Morris had just been killed. I did so, but without seeing any object to be accomplished by it. Just at that moment the horses took a stampede, and broke the lines of dragoons, and Grant and myself finding ourselves the only survivors of our party, followed in the wake of the horses, the dragoons shooting after us, and wounding our horses in several places, but not badly. As we were flying, a

dragoon rushed upon me with his lance set, but I knocked it to one side and shot him, holding my pistol against his breast; and, scarcely stopping, I fled with Grant, the Mexicans following, and some of them occasionally coming up with us, and crying out to us to surrender and our lives would be saved. But we knew better, and continued to fly, but the number of those overtaking us became larger and larger, and after we had run six or seven miles, they surrounded us, when, seeing no further chance of escape, we dismounted, determined to make them pay dearly for our lives. As I reached the ground a Mexican lanced me in the arm, but Grant immediately shot him dead, when I seized his lance to defend myself. Just as he shot the Mexican I saw Grant fall, pierced with several lances, and a moment after I found myself fast in a lasso that had been thrown over me, and by which I was dragged to the ground. I could do no more, and only regretted that I had not shared the fate of all the rest of my party.

"After Grant fell I saw some ten or a dozen officers go up and run their swords through his body. He was well known to them, having lived a long time in Mexico. They had a bit of grudge against him."

Thus ended the expedition against Matamoros, for, when Fannin received the news that Urrea had crossed into Texas and that the forces under Johnson and Grant had been wiped out, it became plain that the war was now one of defense. Meantime, the little garrison at San Antonio, which had established itself in the Alamo, had not received adequate reinforcements, and Santa Anna's army was moving against it from the Rio Grande.

Nothing illustrates so strikingly the disorganizing effect which the collapse of the provisional government had on the people as the apathy and apparent indifference which the mass of them exhibited in the face of appeals to rally to the relief of the Alamo. Following his letter to Governor Smith, telling of the condition in which the departure of Johnson and Grant had left his men, Colonel Neill wrote again on January 14, telling of the approach of the Mexican forces and again appealing for help. "The men under my command," he wrote, "have been in the field for the last four months. They are almost naked, and this day they were to have received pay for the first month of their enlistment, and almost every one of them speaks of going home, and not less than twenty will leave tomorrow, and leave here only about eighty efficient men under my command. There are at Laredo now three thousand men under the command of General Ramírez, and two other generals, and, as it appears from a letter received here last night, one thousand of them are destined for this place, and two thousand for Matamoros. We are in a torpid, defenseless condition, and have not and cannot get from all the citizens here horses enough to send out a patrol or spy company. . . . I hope we will be reinforced in eight days, or we will be overrun by the enemy, but, if I have only one hundred men, I will fight one thousand as long as I can and then not surrender."

Upon receipt of Neill's first letter, Governor Smith ordered Colonel Travis to raise one hundred men and go to reinforce the garrison in the Alamo. As has already been noted, Houston sent Bowie from Goliad with a small force of men also in response to an appeal from

Neill. Shortly after this David Crockett, who had just come to Texas as a volunteer, made his way to San Antonio with a few companions. Crockett was a nationally known character in the United States, a backwoodsman who had served several terms in Congress from Tennessee, and who had achieved some degree of fame because of his opposition to President Jackson, the idol of that state, in connection with the latter's fight on the United States bank. Jackson's friends in Tennessee had finally contrived to have him defeated for reelection to Congress during the fall of 1835, whereupon Crockett made a characteristic speech to his constituents, closing by telling them that they "could all go to hell" and that he was going to Texas. Finding his "occupation gone," he wrote in another connection, he decided "to give the Texans a helping hand on the high road to freedom." "I was always fond of having my spoon in a mess of that kind," he added, "for if there is anything in this world particularly worth living for, it is freedom; anything that would render death to a brave man particularly pleasant, it is freedom." In such a spirit he left for Texas and arrived at Nacogdoches on January 5. There he took the oath of allegiance to the provisional government, but as the oath included allegiance to "any future government that might be thereafter declared," he required that the word "republican" should be inserted, making it read "any future republican government," before he would agree to it. He left Nacogdoches shortly afterwards, and with a few companions joined the defenders of the Alamo.

Travis proceeded to carry out Smith's order to recruit a hundred men, but he found the people apathetic, and

his appeals to them fell on deaf ears. Very few responded by enlisting. Meantime, Neill received from the council, with James W. Robinson as acting governor, a set of resolutions empowering him to take whatever measures might be necessary to defend San Antonio, and it so exasperated him that he wrote Governor Smith again, indignantly declaring that his men could not be fed and clothed with resolutions. "In my communication to the executive," he wrote, "I did not ask for pledges and resolves, but for money, provisions and clothing. There has been money given or loaned by private individuals expressly for the use of the army, and none has been received. . . . We can not be fed and clothed on paper pledges. My men cannot, nor will not, stand this state of things much longer."

By January 28 Travis had raised only thirty men, and he despaired of getting any more to enlist. On that date he wrote to Governor Smith from Burnam's Crossing that he would proceed to San Antonio with this small detachment. "In obedience to my orders," he wrote, "I have done everything in my power to get ready to march to the relief of Béxar, but owing to the difficulty of getting horses and provisions, and owing to desertions, etc., I shall march today with only about thirty men, all regulars, except four. I shall, however, go on and do my duty, if I am sacrificed, unless I receive new orders to countermarch. Our affairs are gloomy indeed. The people are cold and indifferent. They are worn down and exhausted by the war, and in consequence of dissensions between contending and rival chieftains, they have lost confidence in their own government and officers. You have no idea of the exhausted state of the country.

Volunteers can no longer be had or relied upon. A speedy organization, classification and draft of the militia is all that can save us now. A regular army is necessary—but money, and money alone, can raise and equip a regular army. Money must be raised or Texas is gone to *ruin*. Without it war cannot again be carried on in Texas. The patriotism of a few has done much; but that is becoming worn down. I have strained every nerve. I have used my personal credit and have neither slept day nor night since I received orders to march—and with all this exertion I have hardly been able to get horses and equipments for the few men I have."

For some reason Travis was prevented from leaving that day, and the next day he wrote again to Governor Smith, asking that orders be sent to him at Gonzales relieving him of the duty of conducting the men in person to San Antonio. It is plain that he foresaw disaster, and that it appeared futile to risk his life and reputation as a soldier on an errand that was foredoomed to failure. "I have been here with the troops under Captain Forsythe," he wrote, "but shall await your orders at Gonzales, or some other point on the road. I shall, however, keep the thirty men of Forsythe's company in motion towards Béxar, so that they may arrive there as soon as possible. Not having been able to raise one hundred volunteers agreeable to your orders, and there being so few regular troops together, I must beg that your excellency will recall the orders for me to go to Béxar in command of so few men. I am willing, nay anxious, to go to the defense of Béxar, but, sir, I am unwilling to risk my reputation (which is ever dear to a soldier) by going off into the enemy's country with such little means,

so few men, and with them so badly equipped. In fact, there is no necessity for my services to command these few men. The company officers will be amply sufficient. If the executive or the major general desire or order it, I will visit the post of San Antonio or any other for the purpose of consulting or communicating with the officers in command there—or to execute any commission I may be entrusted with, but I do not feel disposed to go to command a squad of men, and without the means of carrying on a campaign. Therefore I hope your excellency will take my situation into consideration, and relieve me from the orders which I have heretofore received, so far as they compel me to command in person the men who are now on their way to Béxar. Otherwise I shall feel it due myself to resign my commission. I would remark that I can be more useful at present, in superintending the recruiting service."

But he went on to San Antonio and, as shall be seen, changed his mind about not staying there. Bowie, in the meantime, had arrived at San Antonio, and on February 2 he also wrote to Governor Smith, adding his voice to the appeals for reinforcements. "Relief at this post in men, money and provisions is of vital importance," he wrote. "The salvation of Texas depends upon keeping Béxar out of the hands of the enemy. . . . Colonel Neill and myself have come to the same conclusion, that we will rather die in these ditches than give it up to the enemy. These citizens deserve our patriotism, and the public safety demands our lives rather than evacuate this post to the enemy. Again we call aloud for *relief*. . . . Our force is very small. The returns this day show only one hundred and twenty men and of-

ficers. It would be a waste of men to put our brave little band against thousands. I have information just now from a friend that the force at Presidio is two thousand complete. He states further that five thousand more are a little back and marching on. The informant says that they intend to make a descent on this place in particular, and there is no doubt of it."

When Travis arrived at San Antonio, he found conditions every bit as bad as he had expected and the outlook quite as hopeless. But, like the devoted patriot he was, he decided to remain and die if need be in defending the place. He seems to have foreseen that his sacrifice and that of the other brave men in the Alamo might at last arouse the people of Texas, and that in death he would succeed in rallying them as he had failed to rally them in life. On February 12 he wrote to Governor Smith, expressing the belief that if only a small reinforcement could be sent it might be possible to hold the place against great odds. "Santa Anna by last accounts was at Saltillo," he wrote, "with a force of twenty-five hundred men and General Ramírez Sesma was at the Rio Grande with about two thousand. He has issued his proclamation denouncing vengeance against the people of Texas, and threatens to exterminate every white man within its limits. This being the frontier post, will be the first attacked. We are illy prepared for their reception, as we have no more than one hundred and fifty men here and they in a very disorganized state. Yet we are determined to sustain it as long as there is a man left, because we consider death preferable to disgrace, which would be the result of giving up a post so dearly won, and thus opening the door for the invaders to enter the

sacred territory of the colonies. We hope our countrymen will open their eyes at the present danger and awake from their false security. I hope that all party dissensions will subside, that our fellow citizens will unite in the common cause and fly to the defense of the frontier.

"I fear that it is useless to waste arguments upon them. *The thunder of the enemy's cannon and the pollution of their wives and daughters—the cries of their famished children and the smoke of their burning dwellings, will only arouse them.* I regret that the government has so long neglected a draft of the militia which is the only measure that will ever bring the citizens of Texas to the frontiers. For God's sake and the sake of our country, send us reinforcements. I hope you will send to this post at least two companies of regular troops.

"In consequence of the sickness of his family, Lieut. Col. Neill has left this post to visit home for a short time, and has requested me to take command of the post.

"The troops here, to a man, recognize you as their legitimate governor, and they expect your fatherly care and protection. In conclusion, let me assure your excellency that with two hundred men I believe this place can be maintained, and I hope they will be sent as soon as possible. Yet, should we receive no reinforcements, I am determined to fight to the last, and should Béxar fall, your friend will be buried beneath its ruins."

As Travis states in this dispatch, Colonel Neill had found it necessary to go home, and had left him in command. Two days later an agreement was reached between Travis and Bowie, by which they exercised a joint command, Travis being in command of the regulars and Bowie in command of the volunteers. There was at first

DAVID CROCKETT

(From a Painting by W. H. Huddle in the Capitol at Austin)

some misunderstanding on this point, as indicated in a letter which Travis wrote to Smith on February 13. "My situation is truly awkward and delicate," he wrote. "Colonel Neill left me in command, but wishing to give satisfaction to the volunteers here and not wishing to assume any command over them, I issued an order for the election of an officer to command them, with the exception of one company of volunteers that had previously engaged to serve under me. Bowie was elected by two small companies. . . . I hope you will order immediately some regular troops here, as it is more important to occupy this post than I imagined when I last saw you. It is the key of Texas from the interior. Without a footing here, the enemy can do nothing against us in the colonies, now that our coast is guarded by armed vessels. I do not solicit the command of this post, but as Colonel Neill has applied to the commander in chief to be relieved and is anxious for me to take command, I will do it, if it be your order, for a time, until an artillery officer can be sent here. . . . The enemy is on the Rio Grande, one thousand strong, and is making every preparation to invade us. By the 15th of March I think Texas will be invaded, and every preparation should be made to receive them."

Ten days later the advance of the Mexican army was sighted, and Travis sent a messenger with a hasty note to Andrew Ponton, alcalde of Gonzales, for whatever reinforcements he could send. "The enemy in large force is in sight," he wrote. "We want men and provisions. Send them to us. We have one hundred and fifty men and are determined to defend the Alamo to the last." Then the next day, in the face of the beginning of the

siege, Travis penned the message to the Anglo-American world, which has been justly called the most heroic document in American history. It was dated February 24, 1836, and was addressed "To the People of Texas and All Americans in the World." It read as follows:

"Fellow Citizens and Compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for twenty-four hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. *I shall never surrender or retreat. Then*, I call on you in the name of Liberty, of patriotism and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. VICTORY OR DEATH.

"WILLIAM BARRETT TRAVIS,
"Lt. Col. comdt.

"P. S.—The Lord is on our side. When the enemy appeared in sight we had not three bushels of corn. We have since found in deserted houses eighty to ninety bushels and got into the walls twenty or thirty head of beeves."

Travis had sent two appeals to Fannin for help, the first time shortly after his arrival, and then when the enemy was sighted. Fannin made preparations to go to

his aid, and actually started on February 26 with a force of three hundred and twenty men. But delays were caused in attempting to move his artillery, and before he could start again he received the news of Urrea's arrival and the massacre of the men under Grant and Johnson. He doubted that he could reach Travis in time, and it was practically certain that if he divided his force, Urrea would take Goliad and then advance against the colonies. In this situation he called a council of war and it was decided to return to Goliad and put the fort there in condition for a stubborn defense against Urrea's advance. So the little band in the Alamo had no hope of relief from that direction.

The message to Ponton, however, brought a different result. Capt. Albert Martin, with thirty-one brave and devoted men, hurried from Gonzales to the besieged fort, and after successfully passing through the enemy's lines, arrived in the Alamo on the night of March 1.

Meantime, Governor Smith printed the heroic message of Travis in handbill form, and attached to it the following appeal to the people of Texas:

"Fellow Citizens and Countrymen: The foregoing official communication from Col. Travis, now in command at Béxar, needs no comment. The garrison, composed of only one hundred and fifty Americans, engaged in deadly conflict with one thousand of the mercenary troops of the dictator, who are daily receiving reinforcements, should be a sufficient call upon you without saying more. However secure, however fortunate our garrison may be, they have not the provisions nor the ammunition to stand more than a thirty days' siege at farthest.

"I call upon you as an officer, I implore you as a man,

to fly to the aid of your besieged countrymen and not permit them to be massacred by a mercenary foe. I slight none! The call is upon ALL who are able to bear arms, to rally without one moment's delay, or in fifteen days the heart of Texas will be the seat of war. This is not imaginary. The enemy, from six thousand to eight thousand strong, are on our border and rapidly moving by forced marches for the colonies. The campaign has commenced. We must promptly meet the enemy or all will be lost. Do you possess honor? Suffer it not to be insulted or tarnished! Do you possess patriotism? Evince it by your bold, prompt and manly action! If you possess even humanity, you will rally without a moment's delay to the aid of your besieged countrymen!"

On the night of March 3 Travis sent his last messages to his countrymen, John W. Smith taking them through the enemy's lines. He knew that the convention was scheduled to meet on March 1, so he addressed a letter to the president of that body, whoever he might be, in this way appealing to the new authority that it was hoped would arise to supplant the confusion caused by the collapse of the provisional government.

"In the present confusion of the political authorities of the country," he wrote, "and in the absence of the commander in chief, I beg leave to communicate to you the situation of this garrison. You have doubtless already seen my official report of the action of the twenty-fifth ult. made on that day to Gen. Sam Houston, together with the various communications heretofore sent by express. I shall therefore confine myself to what has transpired since that date.

"From the twenty-fifth to the present date the enemy

has kept up a bombardment from two howitzers—one a five and a half inch, and the other an eight inch—and a heavy cannonade from two long nine-pounders, mounted on a battery on the opposite side of the river at a distance of four hundred yards from our wall. During this period the enemy have been busily employed in encircling us with entrenched encampments on all sides, at the following distance, to wit: In Béxar, four hundred yards west; in Lavileta, three hundred yards south; at the powder house, one thousand yards east of south; on the ditch, eight hundred yards north-east, and at the old mill, eight hundred yards north. Notwithstanding all this, a company of thirty-two men from Gonzales, made their way in to us on the morning of the first inst. at three o'clock, and Colonel J. B. Bonham (a courier from Gonzales) got in this morning at eleven o'clock without molestation. I have fortified this place, so that the walls are generally proof against cannon balls; and I will continue to entrench on the inside, and strengthen walls by throwing up the dirt. At least two hundred shells have fallen inside our works without having injured a single man; indeed we have been so fortunate as not to lose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. We have contended for ten days against an enemy whose numbers are variously estimated at from fifteen hundred to six thousand men, with General Ramírez Sesma and Colonel Batres, the aides-de-camp of Santa Anna, at their head. A report was circulated that Santa Anna himself was with the enemy, but I think it was false. A reinforcement of about one

thousand men is now entering Béxar, from the west, and I think it more than probable that Santa Anna is now in town, from the rejoicing we hear.

"Col. Fannin is said to be on the march to this place with reinforcements, but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Colonel Bonham, my special messenger, arrived at La Bahía fourteen days ago, with a request for aid; and on the arrival of the enemy in Béxar, ten days ago, I sent an express to Colonel F., which arrived at Goliad on the next day, urging him to send us reinforcements; none have yet arrived. I look to the colonies alone for aid; unless it arrives soon, I shall have to fight the enemy on his own terms. I will, however, do the best I can under the circumstances; and I feel confident that the determined valor and desperate courage heretofore exhibited by my men will not fail them in the last struggle; and although they may be sacrificed to the vengeance of a Gothic enemy, the victory will cost the enemy so dear, that it will be worse to him than a defeat. I hope your honorable body will hasten on reinforcements, ammunition, and provisions to our aid as soon as possible. We have provisions for twenty days for the men we have. Our supply of ammunition is limited. At least five hundred pounds of cannon powder, and two hundred rounds of six, nine, twelve and eighteen pound balls, ten kegs of rifle powder and a supply of lead, should be sent to the place without delay, under a sufficient guard.

"If these things are promptly sent, and large reinforcements are hastened to this frontier, this neighborhood will be the great and decisive ground. The power

of Santa Anna is to be met here, or in the colonies; we had better meet them here than to suffer a war of devastation to rage in our settlements. A blood red banner waves from the church of Béxar, and in the camp above us, in token that the war is one of vengeance against rebels; they have declared us as such; demanded that we should surrender at discretion, or that this garrison should be put to the sword. Their threats have had no influence on me or my men, but to make all fight with desperation, and that high souled courage which characterizes the patriot, who is willing to die in defense of his country's liberty and his own honor.

"The citizens of this municipality are all our enemies, except those who have joined us heretofore. We have but three Mexicans now in the fort; those who have not joined us, in this extremity, should be declared public enemies, and their property should aid in paying the expenses of the war.

"The bearer of this will give your honorable body a statement more in detail, should he escape through the enemy's lines.

"God and Texas—Victory or Death."

In a hastily written postcript, Travis wrote: "The enemy's troops are still arriving, and the reinforcements will probably amount to two or three thousand."

These various messages, unfolding as they do a story of heroic devotion to a cause unsurpassed in all history, record in vivid fashion the progress of the Mexican siege. The advance of the Mexican army reached San Antonio on February 23, taking the Texans completely by surprise, and the latter immediately withdrew into the Alamo. From that point forward a bombardment

against the chapel fortress was continued almost constantly until March 6. The diary of Colonel Almonte, who was with the Mexican army, gives a record of the movements of the enemy from the beginning of the siege. The entries from day to day, beginning with February 25, up to the moment of the assault, follow:

"Thursday, 25th. The firing from our batteries was commenced early. The General in Chief, with the battalion de Cazadores, crossed the river and posted themselves in the Alamo, that is to say, in the houses near the fort. A new fortification was commenced by us near the house of M'Mullen. In the random firing, the enemy wounded four of the Cazadores de Matamoros battalion, and two of the battalion of Jiménes and killed one corporal and a soldier of the battalion of Matamoros. Our fire ceased in the afternoon. In the night two batteries were erected by us on the other side of the river, in the Alameda of the Alamo; the battalion of Matamoros was also posted there, and the cavalry was posted on the hills to the east of the enemy, and in the road from Gonzales at the Casa Mata Antigua. At half-past eleven at night we retired. The enemy in the night burnt the straw and wooden houses in their vicinity, but did not attempt to set fire with their guns to those in the rear. A strong north wind commenced at nine at night.

"Friday, 26th. The northern wind continued very strong; the thermometer fell to thirty-nine, and during the rest of the day remained at sixty. At daylight there was a slight skirmish between the enemy and a small party of the division of the east, under the command of General Sesma. During the day the firing from

our cannon was continued. The enemy did not reply except now and then. At night the enemy burnt small houses near the parapet of the battalion of San Luis, on the other side of the river. Some sentinels were advanced. In the course of the day the enemy sallied out for wood and water, and were opposed by our marksmen. The northern wind continues.

"Saturday, 27th. Lieutenant Menchard was sent with a party of men for corn, cattle and hogs, to the farms of Seguin and Flores. It was determined to cut off the water from the enemy on the side of the old mill. There was little firing from either side during the day. The enemy worked hard all day to repair some intrenchments. In the afternoon the President was observed by the enemy, and fired at. In the night a courier was dispatched to Mexico, informing the Government of the taking of Béxar.

"Sunday, 28th. News received that a reinforcement of two hundred men was coming to the enemy by the road from La Bahía. [This refers to Fannin, who had started on February 26, but, after delays, returned to Goliad.] The cannonading was continued.

"Monday, 29th. In the afternoon, the battalion of Allende took post at the east of the Alamo. The President reconnoitered. At midnight General Sesma left the camp with the cavalry of Dolores and the infantry of Allende, to meet the enemy coming from La Bahía to the relief of the Alamo.

"Tuesday, March 1st. Early in the morning General Sesma wrote from the Mission of Espada that there was no enemy, or traces of any, to be discovered. The cavalry and infantry returned to camp. At twelve

o'clock the President went out to reconnoiter the mill site to the northwest of the Alamo. Colonel Ampudia was commissioned to construct more trenches. In the afternoon the enemy fired two twelve-pound shots at the house of the President, one of which struck it.

"Wednesday, 2d. Information was received that there was corn at the farm of Seguin, and Lieutenant Menchard with a party sent for it. The President discovered in the afternoon a covered road within pistol-shot of the Alamo, and posted the battalion of Jiménes there.

"Thursday, 3d. The enemy fired a few cannon and musket shot at the city. I wrote to Mexico, directing my letters to be sent to Béxar—that before three months the campaign would be ended. The General in Chief went out to reconnoiter. A battery was erected on the north of the Alamo, within pistol shot. Official dispatches were received from Urrea, announcing that he had routed the colonists of San Patricio, killing sixteen and taking twenty-one prisoners. The bells were rung. [This was the rejoicing which Travis mistook for the arrival of Santa Anna.] The battalions of Zapadores, Aldama, and Toluca arrived. The enemy attempted a sally in the night, at the sugar mill, but were repulsed by our advance.

"Friday, 4th. Commenced firing early, which the enemy did not return. In the afternoon one or two shots were fired by them. A meeting of Generals and Colonels was held. After a long conference, Cos, Castrillon, and others, were of opinion that the Alamo should be assaulted after the arrival of two twelve-pounders expected on the 7th instant. The President,

General Ramírez Sesma, and myself, were of opinion that the twelve-pounders should not be waited for, but the assault made. In this state things remained, the General not coming to any definite resolution."

The next afternoon Santa Anna issued secret orders that the storming of the Texans' position should begin at four o'clock the following morning—that of March 6. The hour of heroic martyrdom had struck for the little band of patriots in the Alamo.

CHAPTER XLII.

FALL OF THE ALAMO.

THE last man to enter the Alamo was Col. James B. Bonham, who had been sent by Travis with messages asking for assistance, and who dashed through the enemy's lines on the morning of March 3 and rejoined his doomed companions. Friends entreated him not to return to certain death, pointing out that he had done his full duty in delivering Travis's call for help. He is said to have replied, "I will report the result of my mission to Travis or die in the attempt." And return he did, even though he was compelled to run the gauntlet of the enemy's fire to do so.

Such was the spirit that animated the little band of one hundred and eighty heroes under the command of the consecrated Travis. Consecration is the only word to describe the mood of these men and their leader, for all hope of reinforcement had been abandoned, and death for all of them seemed certain. Travis was now in full command, for Bowie, who had been elected to command the volunteers, was stricken with typhoid-pneumonia several days before, and lay on his cot in one of the rooms, near death. The legend that Travis gave to the men the choice of remaining with him in the Alamo or attempting to make their escape and that when every man stepped across a line which he had drawn for the purpose, thus indicating their willingness to remain, Bowie requested that his cot be carried

across, too, is no longer credited. The fact that Bowie equally shared the command with Travis is sufficient to cast doubt upon this story, but aside from this there is no solid foundation upon which to base it. Moreover, there is that about the alleged incident which is out of keeping with the spirit of the men and of the whole situation. It is theatrical and savors of melodrama and, while it is precisely the sort of story that was dear to the heart of legend-weavers of an earlier age, and therefore the kind of embellishment of actual events to be expected, it is hardly to be believed that such men in such a situation really enacted it. Considering the spirit of those men, it is more likely that it did not occur to any of them to leave, and it is equally more likely that, having decided to defend the Alamo to the end, the commander would not have suffered his little force to be reduced in strength for any reason. For every man who left would have increased the danger to those who remained, and Travis was the kind of soldier who would have regarded it as a violation of his duty to have sanctioned such a thing. Moreover, the story adds nothing to the heroism of the men who defended the Alamo. As one writer has said, "If we owe to departed heroes the duty of preserving their deeds from oblivion, we ought to feel as strongly that of defending their memory against the calumnious effect of false eulogy, which in time might cause their real achievements to be doubted."

Santa Anna's total force at San Antonio on March 5, the day he issued the order to storm the Alamo the next morning, amounted to about twenty-four hundred men. Some accounts have placed the number much

higher, but here again exaggeration adds nothing. The spectacle of one hundred and eighty men contending against twenty-four hundred can not be heightened by increasing the number of the enemy beyond what it was in actual fact.

Santa Anna's order, which was signed by his chief of staff, was as follows:

"To the Generals, Chiefs of Sections and Commanding Officers:

"The time has come to strike a decisive blow upon the enemy occupying the Fortress of the Alamo. Consequently, His Excellency, the General in Chief, has decided that tomorrow at 4 o'clock a. m., the columns of attack shall be stationed at musket-shot distance from the first entrenchments, ready for the charge, which shall commence, at a signal given with the bugle, from the Northern Battery.

"The first column will be commanded by General Don Martín Perfecto de Cos, and, in his absence, by myself.

"The Permanent Battalion of Aldama (except the company of Grenadiers) and the three right center companies of the Active Battalion of San Luis, will comprise the first column.

"The second column will be commanded by Colonel Don Francisco Duque, and, in his absence, by General Don Manuel Fernández Castrillon; it will be composed of the Active Battalion (except the company of Grenadiers) and the three remaining center companies of the Active Battalion of San Luis.

"The third column will be commanded by Colonel

José María Romero, and, in his absence, by Colonel Mariano Salas; it will be composed of the Permanent Battalion of Matamoros and Jiménes.

"The fourth column will be commanded by Colonel Juan Morales, and, in his absence, by Colonel José Miñon; it will be composed of the light companies of the Battalions of Matamoros and Jiménes, and of the Active Battalion of San Luis.

"His Excellency, the General in Chief, will, in due time, designate the points of attack, and give his instructions to the Commanding Officers.

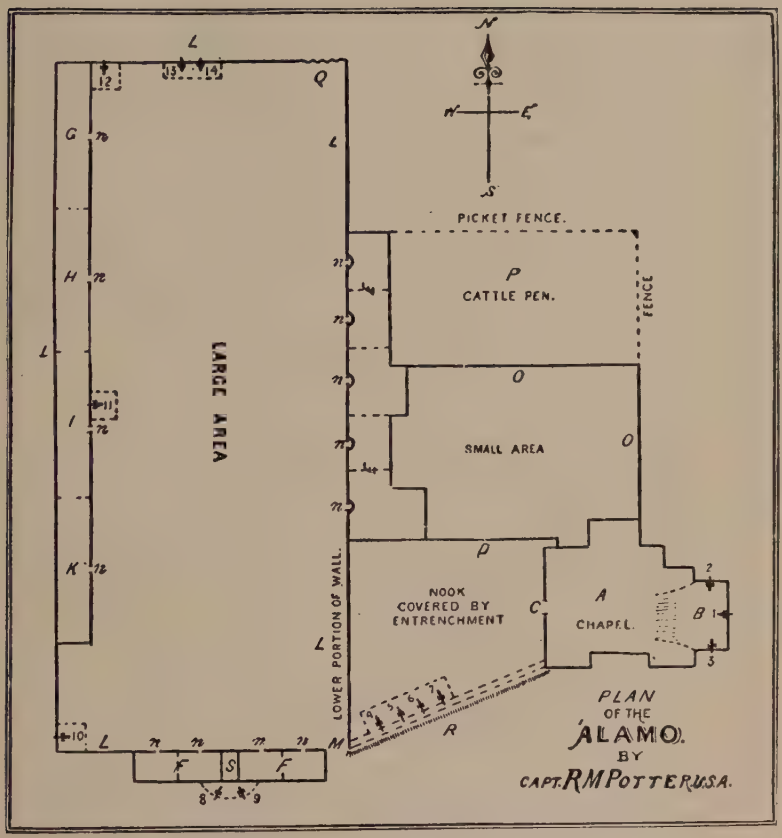
"The reserve will be composed of the Battalion of Engineers and the five companies of Grenadiers of the Permanent Battalions of Matamoros, Jiménes and Allama, and the Active Battalions of Toluca and San Luis.

"The reserve will be commanded by the General in Chief in person, during the attack; but General Augustin Amat will assemble this party, which will report to him, this evening at 5 o'clock, to be marched to the designated station.

"The first column will carry ten ladders, two crowbars and two axes; the second, ten ladders; the third, six ladders; and the fourth, two ladders.

"The men carrying the ladders will sling their guns on their shoulders, to be enabled to place the ladders wherever they may be required.

"The companies of Grenadiers will be supplied with six packages of cartridges to every man, and the center companies with two packages and two spare flints. The men will wear neither overcoats nor blankets, nor anything that may impede the rapidity of their motions.



GROUND PLAN OF THE ALAMO

(See pages 200 to 203)

The Commanding Officers will see that the men have their chin straps of their caps down, and that they wear either shoes or sandals.

"The troops composing the columns of attack will turn in to sleep at dark; to be in readiness to move at 12 o'clock at night.

"Recruits deficient in instruction will remain in their quarters. The arms, principally the bayonets, should be in perfect order.

"As soon as the moon rises, the center companies of the Active Battalion of San Luis will abandon the points they are now occupying on the line, in order to have time to prepare.

"The cavalry, under Colonel Joaquin Ramírez y Sesma, will be stationed at the Alameda, saddling up at 3 o'clock a. m. It shall be its duty to scout the country, to prevent the possibility of an escape.

"The honor of the nation being interested in this engagement against the bold and lawless foreigners who are opposing us, His Excellency expects that every man will do his duty, and exert himself to give a day of glory to the country, and of gratification to the Supreme Government, who will know how to reward the distinguished deeds of the brave soldiers of the Army of Operations."

The most reliable and painstaking account of the storming of the Alamo is that which was prepared by Capt. Reuben M. Potter. Captain Potter was a resident of Matamoros at the time of the siege, knew many of the Mexican officers who participated in the attack, and talked with many of them in gathering material afterwards. He made a close personal inspec-

tion of the building and fortifications of the Alamo in 1841, when they were still standing just as they were in 1836, and again in 1860 he made careful measurements of the ground, in order to check his former impressions. On the latter occasion he drew a sketch of the ground plan of the buildings and walls, which is reproduced in this volume, and to which the reader is referred in checking Captain Potter's description. The Alamo of today, which stands in San Antonio as a shrine of liberty, was the church or chapel, and a portion of the walls which adjoined it has been restored.

The Alamo, says Captain Potter, "was an old fabric, built during the first settlement of the vicinity by the Spaniards; and having been originally designed as a place of safety for the colonists and their property in case of Indian hostility, with room sufficient for that purpose, it had neither the strength, compactness, nor dominant points which ought to belong to a regular fortification. The front of the Alamo chapel bears date of 1757, but the other works must have been built earlier. As the whole area contained between two and three acres, a thousand men would have barely sufficed to man its defenses; and before a regular siege train they would soon have crumbled. . . .

"From recollection of the locality, as I viewed it in 1841, I could in 1860 trace the extent of the outer walls, which had been demolished about thirteen years before the latter period. The dimensions here given are taken from actual measurements then made; and the accompanying diagram gives correct outlines, though without aiming at close exactitude of scale. The figure A in the diagram represents the chapel of the

fort, seventy-five feet long, sixty-two wide, and twenty-two and one-half high, with walls of solid masonry, four feet thick. It was originally of but one story, and if it then had any windows below, they were probably walled up when the place was prepared for defense. B locates a platform in the east end of the chapel. C designates its door; and D marks a wall, fifty feet long and about 12 high, connecting the chapel with the long barrack, E. The latter was a stone house of two stories, one hundred and eighty-six feet long, eighteen wide and eighteen high. FF is a low, one-story stone barrack, one hundred and fourteen feet long and seventeen wide, having in the center a *porte-cochere*, S, which passed through it under the roof. The walls of these two houses were about thirty inches thick, and they had flat terrace roofs of beams and plank, covered with a thick coat of cement. G H I K were flat-roofed, stone-walled rooms built against the inside of the west barrier. L L L L L denote barrier walls, enclosing an area, one hundred and fifty-four yards long, and fifty-four wide, with the long barrack on the east and the low barrack on the south of it. These walls were two and three-quarter feet thick, and from nine to twelve feet high, except the strip which fronted the chapel, that being only four feet in height. This low piece of wall was covered by an oblique entrenchment, marked R, and yet to be described, which ran from the southwest angle of the chapel to the east end of the low barrack. M marks the place of a palisade gate at the west end of the entrenchment. The small letters (n) locate the doors of the several rooms which opened upon the large area. Most of those doors had within a semicircular parapet

for the use of marksmen, composed of a double curtain of hides, upheld by stakes and filled in with rammed earth. Some of the rooms were also loopholed. O O mark barrier walls, from five to six feet high and two and three-quarter feet thick, which enclosed a smaller area north of the chapel and east of the long barrack. P designates a cattle yard east of the barrack and south of the small area; it was enclosed by a picket fence. Q marks the locality of a battered breach in the north wall.

"The above-described fort, if it merited that name, was, when the siege commenced, in the condition for defense in which it had been left by the Mexican general, Cos, when he capitulated in the fall of 1835. The chapel, except the west end and north projection, had been unroofed, the east end being occupied by the platform of earth B, twelve feet high, with a slope for ascension to the west. On its level were mounted three pieces of cannon. One (1), a twelve-pounder, pointed east through an embrasure roughly notched in the wall; another (2) was aimed north through a similar notch; and another (3) fired over the wall to the south. High scaffolds of wood enabled marksmen to use the top of the roofless wall as a parapet. The entrenchment (R) consisted of a ditch and breastwork, the latter of earth packed between two rows of palisades, the outer row being higher than the earthwork. Behind it and near the gate was a battery of four guns (4 5 6 7), all four-pounders, pointing south. The *porte-cochere* through the low barrack was covered on the outside by a lunette of stockades and earth, mounted with two guns (8 9). In the southwest angle of the large area was an eighteen-pounder (12), and east of this, within the north wall,

two more guns of the same caliber (13 14). All the guns of this area were mounted on high platforms of stockades and earth, and fired over the walls. The several barriers were covered on the outside with a ditch, except where such guard was afforded by the irrigating canal, which flowed on the east and west sides of the fort and served to fill the fosse with water."

Captain Potter's account of the assault itself, based as it is on much first-hand information, and checked by an intimate knowledge of the ground, is not likely ever to be superseded in accuracy of detail. "The besieging force now around the Alamo," he writes, "comprising all the Mexican troops which had yet arrived, consisted of the two dragoon regiments of Dolores and Tampico, which formed a brigade, commanded by General Andrade, two companies or batteries of artillery under Colonel Ampudia, and six battalions of infantry, namely, Los Zapadores (engineer troops), Jiménes, Guerrero, Matamoros, Toluca, and Tres Villas. These six battalions of foot were to form the storming forces. The order for the attack . . . was full and precise. The infantry were directed at a certain hour between midnight and dawn to form at convenient distances from the fort in four columns of attack and a reserve. These dispositions were not made by battalions, for the light companies of all were incorporated with the Zapadores to form the reserve, and other transpositions were made. A certain number of scaling ladders, axes, and fascines were to be borne by particular columns. A commanding officer, with a second to replace him in case of accident, was named, and a point of attack designated for each column. The cavalry were to be stationed at suitable points around

the fort to cut off fugitives. From what I have learned from men engaged in the assault, it seems that these dispositions were modified before it was carried out so as to combine the five bodies of infantry, including the reserve, into only three columns of attack, thus leaving no actual reserve but the cavalry. The immediate direction of the assault seems to have been entrusted to Castrillon, a Spaniard by birth and a brilliant soldier. Santa Anna took his station, with a part of his staff and all the bands of music at a battery about five hundred yards south of the Alamo and near the old bridge, from which post a signal was to be given by a bugle-note for the columns to move simultaneously at double-quick time against the fort. One, consisting of Los Zapadores, Toluca, and the light companies, and commanded by Castrillon, was to rush through the breach on the north; another, consisting of the battalion of Jiménes and other troops, and commanded by General Cos, was to storm the chapel; and a third . . . was to scale the west barrier. Cos, who had evacuated San Antonio the year before under capitulation, was assigned to the most difficult point of attack, probably to give him an opportunity to retrieve his standing. By the timing of the signal it was calculated that the columns would reach the foot of the wall just as it should become sufficiently light for good operation.

"When the hour came, the south guns of the Alamo were answering the batteries which fronted them; but the music was silent till the blast of a bugle was followed by the rushing tramp of soldiers. The guns of the fort opened upon the moving masses, and Santa Anna's bands struck up the assassin note of *deguello*, or no quarter.

But a few and not very effective discharges of cannon from the works could be made before the enemy were under them, and it was probably not till then that the worn and wearied garrison was fully mustered. Castrillon's column arrived first at the foot of the wall, but was not the first to enter. The guns of the north, where Travis commanded in person, probably raked the breach, and this or the fire of the riflemen brought the column to a disordered halt, and Colonel Duque, who commanded the battalion of Toluca, fell dangerously wounded; but while this was occurring the column from the west crossed the barrier on that side by escalade at a point north of the center. As this checked resistance at the north, Castrillon shortly afterward passed the breach. It was probably while the enemy was thus pouring into the large area that Travis fell at his post, for his body, with a single shot in the forehead, was found beside the gun at the northwest angle. The outer walls and batteries, all except one gun, of which I will speak, were now abandoned by the defenders. In the meantime Cos had again proved unlucky. His column was repulsed from the chapel, and his troops fell back in disorder behind the old stone stable and huts that stood south of the southwest angle. There they were soon rallied and led into the large area by General Amador. I am not certain as to his point of entrance, but he probably followed the escalade of the column from the west.

"This all passed within a few minutes after the bugle sounded. The garrison, when driven from the thinly manned outer defences, whose early loss was inevitable, took refuge in the buildings before described,

but mainly in the long barrack; and it was not until then, when they became more concentrated and covered within, that the main struggle began. They were more concentrated as to space, not as to unity of command; for there was no communicating between buildings, nor, in all cases, between rooms. There was little need of command, however, to men who had no choice left but to fall where they stood before the weight of numbers. There was now no retreating from point to point, and each group of defenders had to fight and die in the den where it was brought to bay. From the doors, windows, and loopholes of the several rooms around the area the crack of the rifle and the hiss of the bullet came thick and fast; so fast the enemy fell and recoiled in his first efforts to charge. The gun beside which Travis fell was now turned against the buildings, as were also some others, and shot after shot was sent crashing through the doors and barricades of the several rooms. Each ball was followed by a storm of musketry and a charge; and thus room after room was carried at the point of the bayonet, when all within them died fighting to the last. The struggle was made up of a number of separate and desperate combats, often hand to hand, between squads of the garrison and bodies of the enemy. The bloodiest spot about the fort was the long barrack and the ground in front of it, where the enemy fell in heaps.

"Before the action reached this stage, the turning of Travis's gun by the assailants was briefly imitated by a group of the defenders. 'A small piece on a high platform,' as it was described to me by General Bradburn, was wheeled by those who manned it against the

large area after the enemy entered it. Some of the Mexican officers thought it did more execution than any gun which fired outward; but after two effective discharges it was silenced, when the last of the cannoneers fell under a shower of bullets. I cannot locate this gun with certainty, but it was probably the twelve-pound carronade which fired over the center of the west wall from a high, commanding position. The smallness assigned to it perhaps referred only to its length. According to Mr. Ruíz, then alcalde of San Antonio, who, after the action, was required to point out the slain leaders to Santa Anna, the body of Crockett was found in the west battery just referred to; and we may infer that he either commanded that point or was stationed there as a sharp-shooter. The common fate overtook Bowie in his bed in one of the rooms of the low barrack, when he probably had but a few days of life left in him; yet he had enough remaining, it is said, to shoot down with his pistols more than one of his assailants ere he was butchered on his couch. If he had sufficient strength and consciousness left to do it, we may safely assume that it was done.

"The chapel, which was the last point taken, was carried by a *coup de main* after the fire of the other buildings was silenced. Once the enemy was in possession of the large area, the guns of the south could be turned to fire into the door of the church, only from fifty to a hundred yards off, and that was probably the route of attack. The inmates of this last stronghold, like the rest, fought to the last, and continued to fire down from the upper works after the enemy occupied the floor. A Mexican officer told of seeing

one of his soldiers shot in the crown of the head during this melee. Towards the close of the struggle Lieutenant Dickinson, with his child in his arms, or as some accounts say, tied to his back, leaped from the east embrasure of the chapel, and both were shot in the act. Of those he left behind him, the bayonet soon gleaned what the bullet had left; and in the upper part of that edifice the last defender must have fallen. The morning breeze which received his parting breath probably still fanned his flag above that fabric, for I doubt not he fell ere it was pulled down by the victors. . . .

"The action, according to Santa Anna's report, lasted thirty minutes. It was certainly short, and possibly no longer time passed between the moment the enemy entered the breach and that when resistance died out. The assault was a task which had to be carried out quickly or fail. Some of the incidents which have to be related separately occurred simultaneously, and all occupied very little time. . . . About the time the area was entered, a few men, cut off from inward retreat, leaped from the barriers, and attempted flight, but were all sabered or speared by the cavalry except one, who succeeded in hiding himself under a small bridge of the irrigating ditch. There he was discovered and reported a few hours after by some laundresses engaged in washing near the spot. He was executed. Half an hour or more after the action was over a few men were found concealed in one of the rooms under some mattresses. . . . The officer to whom the discovery was first reported entreated Santa Anna to spare their lives; but he was sternly rebuked, and the men ordered to

be shot, which was done. . . . A negro belonging to Travis, the wife of Lieutenant Dickinson, who at the time was *enceinte*, and a few Mexican women with their children were the only inmates of the fort whose lives were spared. The massacre involved no women and but one child. Lieutenant Dickinson commanded the gun at the east embrasure of the chapel. His family was probably in one of the small vaulted rooms of the north projection, which will account for his being able to take his child to the rear of the building when it was being stormed. An irrigating canal ran below the embrasure, and his aim may have been to break the shock of his leap by landing in the mud of that waterless ditch, and then try to escape; or he may have thought that so striking an act would plead for his life; but the shower of bullets which greeted him told how vain was the hope. The authenticity of this highly dramatic incident has been questioned, but it was asserted from the first, and was related to me by an eyewitness engaged in the assault."

The account of Francisco Antonio Ruíz, the alcalde of San Antonio at the time of the assault, gives a picture of the scene following the massacre. He says: "On the 6th of March [1836] at 3 a. m., General Santa Anna at the head of four thousand men advanced against the Alamo. The infantry, artillery and cavalry had formed about one thousand varas from the walls of the same fortress. The Mexican army charged and were twice repulsed by the deadly fire of Travis's artillery, which resembled a constant thunder. At the third charge the Toluca battalion commenced to scale

the walls and suffered severely. Out of eight hundred and thirty men only one hundred and thirty were left alive.

"When the Mexican army entered the walls, I was with the political chief, Don Ramón Músquiz and other members of the corporation, accompanied by the curate, Don Refugio de la Garza, who by Santa Anna's orders had assembled during the night at a temporary fortification on Protero Street, with the object of attending the wounded, etc. As soon as the storming commenced we crossed the bridge on Commerce street, with this object in view, and about one hundred yards from the same a party of Mexican dragoons fired upon us and compelled us to fall back on the river and the place we occupied before. Half an hour had elapsed when Santa Anna sent one of his aides-de-camp with an order for us to come before him. He directed me to call on some of the neighbors to come with carts to carry the [Mexican] dead to the cemetery and to accompany him, as he was desirous to have Colonel Travis, Bowie and Crockett shown to him.

"On the north battery of the fortress convent lay the lifeless body of Colonel Travis on the gun carriage, shot only through the forehead. Towards the west, and in a small fort opposite the city, we found the body of Colonel Crockett. Colonel Bowie was found dead in his bed in one of the rooms of the south side.

"Santa Anna, after all the Mexican bodies had been taken out, ordered wood to be brought to burn the bodies of the Texans. He sent a company of dragoons with me to bring wood and dry branches from the neighboring forests. About three o'clock in the after-

noon of March 6 we laid the wood and dry branches upon which a pile of dead bodies were placed; more wood was piled on them and another pile of bodies was brought and in this manner they were all arranged in layers. Kindling wood was distributed through the pile and about five o'clock in the evening it was lighted.

"The dead Mexicans of Santa Anna were taken to the grave-yard, but not having sufficient room for them, I ordered some to be thrown in the river, which was done on the same day.

"The gallantry of the few Texans who defended the Alamo was really wondered at by the Mexican army. Even the generals were astonished at their vigorous resistance, and how dearly victory was bought.

"The generals who under Santa Anna participated in the storming of the Alamo were Juan Amador, Castrillon, Ramírez y Sesma and Andrade.

"The men [Texans] burnt were one hundred and eighty-two. I was an eyewitness, for as Alcalde of San Antonio, I was, with some of the neighbors, collecting the dead bodies and placing them on the funeral pyre."

With characteristic boastfulness and exaggeration, Santa Anna reported to the war department at the City of Mexico that six hundred Texans were killed in the Alamo, and that his own loss was seventy men killed and three hundred wounded. His report was as follows:

"Victory belongs to the army, which, at this very moment, 8 o'clock a. m., achieved a complete and glorious triumph that will render its memory imperishable.

"As I had stated in my report to Your Excellency of the taking of this city on the 27th of last month, I awaited the arrival of the 1st Brigade of Infantry to

commence active operations against the Fortress of the Alamo. However, the whole Brigade having been delayed beyond my expectations, I ordered that three of its Battalions, viz., the Engineers, Aldama and Toluca, should force their march to join me. These troops, together with the Battalions of Matamoros, Jiménes and San Luis Potosí, brought the force at my disposal, recruits excluded, up to fourteen hundred infantry. This force, divided into four columns of attack, and a reserve, commenced the attack at 5 o'clock a. m. They met with a stubborn resistance, the combat lasting more than one hour and a half, and the reserve having to be brought into action.

"The scene offered by this engagement was extraordinary. The men fought individually, vying with each other in heroism. Twenty-one pieces of artillery, used by the enemy with the most perfect accuracy, the brisk fire of musketry, which illuminated the interior of the Fortress and its walls and ditches, could not check our dauntless soldiers, who are entitled to the consideration of the Supreme Government, and to the gratitude of the nation.

"The Fortress is now in our power, with its artillery, stores, etc. More than six hundred corpses of foreigners were buried in the ditches and intrenchments, and a great many who had escaped the bayonet of the infantry fell in the vicinity under the sabers of the cavalry. I can assure Your Excellency that few are those who bore to their associates the tidings of their disaster.

"Among the corpses are those of Bowie and Travis, who styled themselves Colonels, and also that of

Crockett, and several leading men, who had entered the Fortress with dispatches from their Convention. We lost about seventy killed and three hundred wounded, among whom are twenty-five officers. The cause for which they fell renders their loss less painful, as it is the duty of the Mexican soldier to die for the defense of the rights of the nation; and all of us were ready for any sacrifice to promote this fond object; nor will we hereafter suffer any foreigners, whatever their origin may be, to insult our country and to pollute its soil.

"I shall, in due time, send to Your Excellency a circumstantial report of this glorious triumph. Now I have only time to congratulate the nation and the President *ad interim*, to whom I request you to submit this report.

"The bearer takes with him one of the flags of the enemy's battalions, captured today. The inspection of it will show plainly the true intention of the treacherous colonists, and of their abettors, who came from the ports of the United States of the North. God and Liberty."

Santa Anna's gloating over the Mexican "triumph" was characteristic, and it was not to be wondered at, perhaps, that he had no realization of the true character of the event. The thrilling spectacle of that little band of heroes defending with their last drop of blood the cause which he had marched to Texas to suppress, and the significance of that spectacle were lost on him. He could report the affair as "a complete and glorious triumph," which would render the memory of the Mexican army imperishable, but it was a moral defeat

none the less. For the whole-hearted devotion of the men who died in the Alamo thrilled men everywhere and commanded the admiration of the world. It exalted the cause for which they had given their lives to a height beyond all of Mexico's power to reach it with misrepresentation. A cause for which men would die in this manner must indeed be a holy one. The world could never be made to believe that such men were foreign adventurers, seeking to aggrandize themselves by seizing the territory of Mexico and dismembering the Mexican nation. In the sacrifice of the men who defended it in the Alamo, the cause of the Texans achieved a moral triumph which made inevitable its final and complete victory over all its enemies.

But, more than this, it sealed forever the title of the Texans to the soil of Texas. Before the fall of the Alamo that title was soundly based legally, and would have borne the closest scrutiny at the bar of international opinion. But, if any cloud had obscured that title to the slightest degree, it was dispelled entirely by the superb sacrifice of the Alamo. The blood of Travis, of Bowie, of Bonham, of Crockett and the rest, consecrated the soil of Texas forever. The apathy of the colonists was swept away overnight, and men who a few days before had turned deaf ears to the appeals to go to the assistance of the defenders of the Alamo, now registered an oath in heaven that the soil of Texas was dedicated to freedom, that the power of the dictator should be banished from its borders and the foot of the Mexican invader never permitted to defile it again. Four days before the fall of the Alamo the convention, which had just begun its sessions, had adopted a solemn

THE SHRINE OF TEXAN LIBERTY

(The Alamo Today)

declaration that the political connection of Texas with the Mexican nation was forever ended, and "that the people of Texas do now constitute a free, sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations." "Conscious of the rectitude of our intentions," the delegates declared, "we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations." The men in the Alamo died without knowing that declaration had been made, but their supreme sacrifice at once rallied the Texans to the newly announced cause of independence and freedom. The rallying cry now became, "Remember the Alamo!"

CHAPTER XLIII.

INDEPENDENCE IS DECLARED.

THE convention met at the town of Washington on March 1, as scheduled, amid the excitement over the news that the Mexican army was besieging San Antonio. Every hour almost brought some new rumor or bit of news relative to the advance of the Mexicans, and it became increasingly plain that Texas was facing a situation of extreme seriousness. "We have alarming news continually from the west," wrote Martin Parmer, one of the delegates, to his wife at Nacogdoches. "Frank Johnson's division is all killed but five, it is supposed. He saw two shot begging for quarter. Dr. Grant with a company of men is supposed to be all slain. Travis's last express states San Antonio was strongly besieged; it is much feared that Travis and company are all massacred, as dispatches from that place have been due three days and none have arrived yet. The frontiers are breaking up, Gonzales must be sacked, and its inhabitants murdered and defiled without they get immediate aid. The last accounts the Mexicans were to a considerable number between Gonzales and San Antonio. Fannin is at La Bahía with about five hundred men, and is in daily expectation of a visit from Santa Anna. . . . Unless we have a general turn out and every man lay his helping hands to, we are lost."

When Travis's message to the convention was received, Robert Potter moved that the delegates adjourn and hasten to the relief of the Alamo. Sam Houston took the floor in opposition to such a move, and declared that it would not only be folly, but would be treason to the people. The existing situation, he said, had been caused largely by the lack of organized government in Texas, and it was the duty of the delegates to remain at their posts and provide against this lack by setting up a stable government. This reasoning prevailed and the convention continued its labors in the midst of the excitement.

No time was lost in getting down to the main business of declaring Texas independent. Richard Ellis was elected president of the convention and H. S. Kimball was named secretary, and immediately George C. Childress moved that a committee of five be appointed to draft a declaration of independence. Martin Parmer sought to have this amended so as to have one member on the committee from each municipality, but this was voted down, and the chairman immediately appointed the committee. Childress, as the maker of the motion, was named chairman, and the others appointed were James Gaines, Baily Hardeman, Edward Conrad and Collin McKinney. This committee got down to work without delay, and the next day, March 2, it reported the draft of the declaration, which was unanimously adopted.

The text of the Declaration of Independence, which is the charter of the sovereignty of Texas as a political entity separate from Mexico, is as follows:

"THE UNANIMOUS DECLARATION OF INDEPENDENCE MADE BY THE DELEGATES OF THE PEOPLE OF TEXAS IN GENERAL CONVENTION AT THE TOWN OF WASHINGTON ON THE 2D DAY OF MARCH, 1836.

"When a government has ceased to protect the lives, liberty and property of the people, from whom its powers are derived, and for the advancement of whose happiness it was instituted, and so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression: When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federated republic, composed of sovereign states, to a consolidated, central, military despotism, in which every interest is disregarded but that of the army and the priesthood—both the eternal enemies of liberty, the ever-ready minions of power, and the usual instruments of tyrants: When, long after the spirit of the constitution has departed, moderation is, at length, so far lost by those in power that even the semblance of freedom is removed, and the forms, themselves, of the constitution discontinued; and so far from their petitions and remonstrances being regarded the agents who bear them are thrown into dungeons; and mercenary armies sent forth to force a new government upon them at the point of the bayonet: When in consequence of such acts of malfeasance and abdication, on the part of the government, anarchy prevails, and civil society is dissolved into its original elements. In such a crisis, the first law of nature, the right of self-preservation—the inherent and inalienable right

of the people to appeal to first principles and take their political affairs into their own hands in extreme cases—enjoins it as a right toward themselves and a sacred obligation to their posterity to abolish such government and create another, in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

"Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of their grievance is, therefore, submitted to an impartial world, in justification of the hazardous but unavoidable step now taken of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

"The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio López de Santa Anna, who, having overturned the constitution of his country, now offers us the cruel alternative either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

"It has sacrificed our welfare to the state of Coa-

huila, by which our interests have been continually depressed through a jealous and partial course of legislation carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this, too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government.

"It has failed and refused to secure on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

"It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain), and, although it is an axiom in political science, that unless a people are educated and enlightened it is idle to expect the continuance of civil liberty, or the capacity for self-government.

"It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen and rendering the military superior to the civil power.

"It has dissolved by force of arms the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government; thus depriving us of the fundamental political right of representation.

"It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial; in contempt of the civil authorities and in defiance of the laws and the constitution.

"It has made piratical attacks upon our commerce, by commissioning foreign desperadoes and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

"It denies us the right of worshipping the Almighty according to the dictates of our own conscience; by the support of a national religion calculated to promote the temporal interests of its human functionaries rather than the glory of the true and living God.

"It has demanded us to deliver up our arms, which are essential to our defense, the rightful property of freemen, and formidable only to tyrannical governments.

"It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

"It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of weak, corrupt and tyrannical government.

"These, and other grievances, were patiently borne by the people of Texas until they reached that point at which forbearance ceased to be a virtue. We then took up arms in defense of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior. We are, therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and

the substitution of a military government—that they are unfit to be free and are incapable of self-government.

"The necessity of self-preservation, therefore, now decrees our eternal political separation.

"We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute a free, sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations."

All delegates present signed this document and, inasmuch as some who had been elected delegates had not yet arrived, and others were unavoidably absent, it was decided to permit all the absentees also to sign it. The original copy of the declaration contains fifty-eight signatures, as follows: Richard Ellis, Charles B. Stewart, Thomas Barnett, James Collinsworth, Edwin Waller, John S. D. Byrom, Francisco Ruíz, Antonio Navarro, Jesse B. Badgett, William D. Lacy, William Menifee, John Fisher, Mathew Caldwell, William Mottley, Lorenzo de Zavala, Stephen H. Everitt, George W. Smyth, Elijah Stapp, Claiborne West, William B. Scates, M. N. Menard, A. B. Hardin, J. W. Burton, Thomas J. Gazley, R. M. Coleman, Sterling C. Robertson, George C. Childress, Bailey

Hardeman, Robert Potter, Thomas Jefferson Rusk, Charles S. Taylor, John S. Roberts, Robert Hamilton, Collin McKinney, Albert H. Latimer, James Power, Sam Houston, David Thomas, Edward Conrad, Martin Parmer, Edwin O. LeGrand, Stephen W. Blount, James Gaines, William Clark, Jr., Sydney O. Pennington, William Carrol Crawford, John Turner, Benjamin Briggs Goodrich, G. W. Barrett, Jesse Grimes, S. Rhoads Fisher, John W. Moore, John W. Bower, Samuel A. Maverick, Sam P. Carson, A. Briscoe and James B. Woods.

On the same day that the convention adopted this declaration of independence, it appointed a committee, consisting of one member from each municipality to draft a constitution. This committee was composed of Martin Parmer, Robert Potter, Charles B. Stewart, Edwin Waller, Jesse Grimes, R. M. Coleman, S. Rhoads Fisher, J. W. Burton, James Gaines, Lorenzo de Zavala, Stephen H. Everitt, Bailey Hardeman, Elijah Stapp, William Carrol Crawford, Claiborne West, James Power, J. Antonio Navarro, Collin McKinney, William Menifee, William Mottley and M. N. Menard. The next day additional members were placed on the committee to assist in making the draft of the constitution, these being Sam Houston, Robert Hamilton, James Collinsworth and David Thomas. A week was consumed by this committee in providing Texas with a body of fundamental law which would insure stable government for the new republic, and in the meantime the convention disposed of a number of other matters. It closed the land offices permanently during the progress of the war, and forbade the issu-

ance of titles by commissioners; it provided for the enlistment of a regiment of rangers; it reelected Sam Houston as commander in chief of the army, this time leaving no room for doubt that his authority extended over all the land forces of Texas, whether regulars, volunteers or militia; it provided for a draft of the militia, making all male inhabitants between the ages of seventeen and fifty subject to duty; it increased the land bounty to be awarded volunteers, providing that each man who served throughout the war should receive twelve hundred and eighty acres, and finally, on March 9, the committee on constitution reported that the convention began the consideration of that document, section by section.

The constitution as adopted followed the general lines of that of the United States, with the exception, of course, that the federalistic features were eliminated because the new republic was a unit, and not divided into states. The government was divided into three departments—legislative, executive and judiciary—the congress consisting of two houses, the house of representatives and the senate. Members of the lower house were elected for one year, and it was provided that the house should consist of not less than twenty-four nor more than forty members until the population reached one hundred thousand, after which it should be increased to not less than forty nor more than one hundred members. Senators were to be elected for three years, one-third retiring annually, and the senate should consist of not less than one-third nor more than one-half the number of members contained in the house. The powers of congress were practically the same as those

of the congress of the United States, and it was specifically provided that as soon as practicable a general system of education should be provided for by law.

A president and vice-president were provided for, with powers similar to those of the corresponding officers in the United States. They were to be elected by a direct vote of the people, the term of office being for three years, and it was provided that no individual should be eligible for reelection as president, but must wait until a full three-year term had elapsed. The term of the first president, however, was for two years, but even he would not be eligible for immediate reelection. A judiciary department, consisting of a supreme court and not less than three nor more than eight district courts, to be created by congress, was provided for. The supreme court was made up of a chief justice and the judges of the district courts sitting together, a majority constituting a quorum. The constitution directed congress to substitute the English common law for the Spanish-Roman law as soon as practicable, making such modifications as seemed desirable. The institution of slavery was formally recognized, and masters were prohibited from freeing their slaves without the consent of congress. Free negroes were required to obtain the consent of congress to reside in Texas, and importation of slaves, except from the United States, was prohibited. The so-called "one hundred league grants" of land, made by the state government of Coahuila and Texas were declared null and void, and congress was directed to create a general land office.

In the disturbed condition of the country, with the Mexican army actually on Texas soil, it was recognized that it would be impossible to submit this constitution to the people for ratification immediately, and accordingly the convention provided for a government *ad interim*, to be composed of a president, a vice-president, secretaries of state, war, navy, and the treasury, and an attorney general, and proceeded immediately to elect these officials by a vote of the delegates. The men chosen to fill these offices, and thus to constitute the first government of the new republic, were David G. Burnet, president; Lorenzo de Zavala, vice-president; Samuel P. Carson, secretary of state; Bailey Hardeman, secretary of the treasury; Thomas J. Rusk, secretary of war; Robert Potter, secretary of the navy, and David Thomas, attorney general. The night of March 16 was spent in the election and inauguration of this government, and at two o'clock in the morning of March 17 the convention adjourned. The news of the fall of the Alamo and of the advance of the Mexican army was received during the day of the sixteenth, and it was decided to at once remove the government to Harrisburg. President Burnet issued a proclamation to this effect. "The government," he said, "will remove to Harrisburg, but that removal is not the result of any apprehension that the enemy is near us. It was resolved upon as a measure conducive to the common good, before any such report was in circulation, and it has not been expedited by such report. . . . Let us acquit ourselves like men: gird up the loins of our minds, and by one united, prompt and energetic exertion, turn back

this impotent invader; and planting our standard on the bank of the Rio Grande, dictate to him the terms of mutual recognition."

General Houston had left Washington for Gonzales on March 6, the day of the massacre of the defenders of the Alamo, to take command of volunteers who were rallying at Gonzales. He had spent the time between his return from Goliad and Copano and March 1 negotiating with the Indians to insure their neutrality during the war with the Mexican government, a mission which was very successful. Governor Smith had granted him a furlough as commander in chief until the meeting of the convention. Inasmuch as this furlough explains Houston's absence from Washington during the time Travis was most urgently calling for help, Governor Smith's written instructions are reproduced here. They were dated January 28, and were as follows:

"You are hereby furloughed until the first day of March next, for the purpose of adjusting your private business, preparatory to your necessary absence hereafter from home in the country's service.

"Your absence is permitted in part by the illegal acts of the council in superseding you, by the unauthorized appointment of agents to organize and control the army, contrary to the organic law, and the ordinances of their own body.

"In the meantime, you will conform to your instructions, and treat with the Indians."

Houston had been on hand for the opening of the convention, and after participating in the adoption of

the declaration of independence, on March 2 he issued the following proclamation to the people:

"War is raging on the frontiers. Béxar is besieged by two thousand of the enemy under the command of General Sesma. Reinforcements are on their march to unite with the besieging army. By the last report our force at Béxar was only one hundred and fifty men. The citizens of Texas must rally to the aid of our army or it will perish. Let the citizens of the East march to the combat. The enemy must be driven from our soil or desolation will accompany their march upon us. *Independence is declared.* It must be maintained. Immediate action, united with valor, can alone achieve our great work. The services of all are forthwith required in the field."

Houston signed this proclamation as "commander in chief," although the convention had not yet reelected him to that office. In spite of the breakdown of the government, Houston still chose to recognize Henry Smith as governor and, as his leave of absence terminated the day before he issued the proclamation, he assumed the office anew until the convention should make proper disposition of it. The convention, as already recorded, promptly reelected him, and in doing so took pains to guard against such usurpation of his authority as had occurred in connection with the Matamoros expedition. The resolution reelecting him was introduced by James Collinsworth, and was as follows:

"Whereas, we are now in a state of revolution, and threatened by a large invading army from the central government of Mexico; and

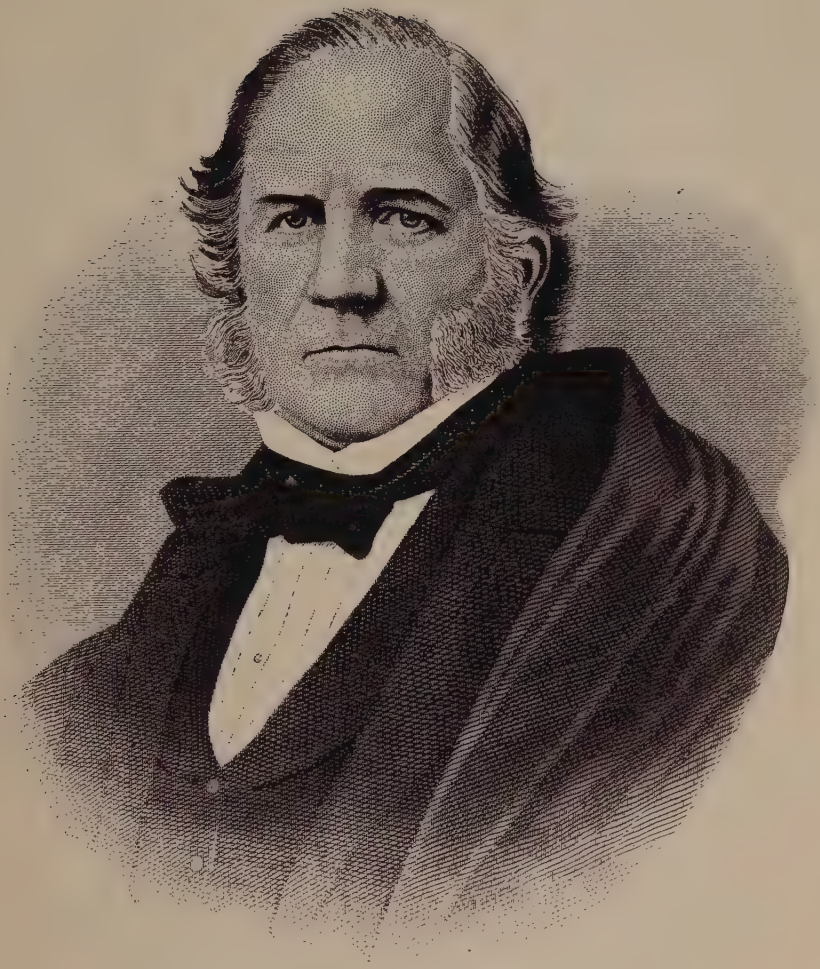
"Whereas, our present situation and the emergency of the present crisis, render it indispensably necessary that we should have an army in the field; and

"Whereas, it is also necessary that there should be one superior head, or commander in chief, and a due degree of subordination definitely established and strictly observed; therefore

"*Be it resolved*, That General Sam Houston be appointed major-general, to be commander in chief of the land forces of the Texan army, both regulars, volunteers and militia (while in active service), and endowed with all the rights, privileges and powers due to a commander in chief in the United States of America, and that he forthwith proceed to take command, establish headquarters and organize the army accordingly.

"And that General Sam Houston retain such command until the election of a chief executive, and continue in such office, unless suspended by order of the government *de facto*, until the general organization agreeable to the constitution, being always amenable to the laws and civil authorities of the country."

There was no mistaking the terms of this resolution, and its effect was to place under Houston's command all the armed forces in the field at the moment. Incidentally it placed Fannin, who still was at Goliad, directly under Houston's command and subject to his orders, and thus, in effect, it rescinded the action of the council which had made Fannin the agent of the government, and invalidated all the special powers bestowed upon him by that action. In the midst of disaster,



SAM HOUSTON

(From an Old Engraving)

therefore, the convention provided Texas with the thing it needed above everything else—a unified command of its forces.

On March 6, the same day the Alamo fell, the convention, through its president and Collinsworth, as chairman of the committee on military affairs, provided Houston with formal orders to take command. These orders read as follows:

"As commander in chief of the Texan army, you are ordered forthwith to repair to such place on the frontier as you may deem advisable. You will proceed to establish headquarters, and organize the army. You will require all officers of the army, of whatever grade, to report to you. And, as it is impossible, at this time, to determine any particular point of concentration, you will act according to the emergencies of the occasion and the best dictates of your own judgment, for the purpose of protecting our frontier, and advancing the best interests of our country.

"You will, as often as you deem advisable, inform this body, or such other authority as they may establish, of both your acts and the situation of the army."

Armed with these orders, Houston at once set out for Gonzales, where volunteers were now gathering in response to the appeals of Travis, Governor Smith and Houston himself. The letter of Travis to the chairman of the convention had just been received, and it was Houston's purpose, if it was not too late, to organize such forces as he might find at Gonzales and go to the relief of the Alamo.

Houston arrived at Gonzales on March 11, just about the time that the first rumor of the fall of the Alamo

had reached that place. The people of the town were in a state of anxiety, for nearly every male inhabitant capable of bearing arms had gone with Captain Martin to join Travis two weeks before. Travis had sent word that he would fire signal guns three times a day to indicate to the people of Gonzales and, through them, to the people of Texas, that the Alamo still was in the hands of the Texans. For six days Travis's signal guns had not been heard, and the women of Gonzales, hardly one of whom did not have a husband, son, brother or father in the Alamo, had become almost frantic by the suspense and uncertainty. On March 11 a friendly Mexican named Anselmo Borgara arrived from the neighborhood of San Antonio and announced that the Alamo had fallen Sunday morning. While there were those who were disposed to doubt the story because it was a Mexican who told it, this caused great grief among the relatives of the men of the Alamo and almost indescribable scenes took place in the streets of the little town. Twenty women of Gonzales had been made widows by the massacre, if Borgara's information proved correct, and there was hardly a family in the town who had not some relative among the Alamo's defenders. One grief-stricken woman, whose husband was with the little band, ran through the streets, crying out in frenzy for the Mexicans to come and kill her and her children, too. A scene of wild weeping and panic, therefore, greeted Houston when he arrived. About three hundred volunteers had gathered during the previous few days, but they were without organization and at a loss as to what to do, and Houston set to work immediately to form them into some sort of an

army. He also sent scouts in the direction of San Antonio to ascertain the truth with respect to the Alamo. He then dispatched the following communication to Fannin:

"To Col. Fannin, Commanding at Goliad:

"Sir:—On my arrival here this afternoon the following intelligence was received through a Mexican, supposed to be friendly, though his account has been contradicted in some parts by another, who arrived with him. It is therefore only given to you as a rumor, though I fear a melancholy portion of it will be found true.

"Anselmo Borgara states that he left the Alamo on Sunday the 6th inst. and is six days from Arroche's ranch; that the Alamo was attacked on Sunday morning at the dawn of day, by about two thousand three hundred men, and carried a short time before sunrise by a loss of five hundred and twenty-one Mexicans killed and as many wounded. Col. Travis had only one hundred and fifty effective men, out of his entire force of one hundred and eighty-seven. After the fort was carried seven men surrendered, and called for Santa Anna, and for quarter. They were murdered by his order. Col. Bowie was sick in bed and was also murdered. The enemy expect a reinforcement of fifteen hundred men under Gen. Cordelle, and a reserve of fifteen hundred to follow them. He also informs us that Ugartechea had arrived with two millions of specie for the payment of the troops. The bodies of the Americans were burned after the massacre. Alternate layers of wood and bodies were laid together and set on fire. Lieut. Dickinson, who had a wife and child in the fort, after having

fought with desperate courage, tied his child to his back and leaped from the top of a two-story building. Both were killed by the fall.

"I have little doubt but that the Alamo has fallen—whether the above particulars are all true may be questionable. You are therefore referred to the enclosed order."

To this Houston added a postscript as follows:

"In confirmation of the truth of the fall of the Alamo, I have ascertained that Col. Travis intended firing signal guns at three different periods each day until succor should arrive. No signal guns have been heard since Sunday, though a scouting party have just returned who approached within twelve miles of it, and remained there forty-eight hours."

The "enclosed order" to which Houston referred directed Fannin to evacuate Goliad without delay, and to fall back to Victoria. It read as follows:

"ARMY ORDER.

"Headquarters, Gonzales, March 11, 1836.

"To Col. J. W. Fannin, Commanding at Goliad:

"Sir:—You will as soon as practicable on receipt of this order, fall back upon Guadalupe Victoria with your command and such artillery as can be brought with expedition. The remainder will be sunk in the river. You will take the necessary measures for the defense of Victoria, and forward one-third of your effective men to this point, and remain in command until further orders.

"Every facility is to be afforded to women and children who may be desirous of leaving that place. Previous to abandoning Goliad, you will take the necessary

measures to blow up that fortress, and do so before leaving its vicinity. The immediate advance of the enemy may be constantly expected, as well as a rise of water. Prompt movements are therefore highly important.

"SAM HOUSTON,
"Commander in Chief of the Army."

Having dispatched these orders to Fannin, Houston immediately turned his attention to the task of organizing the volunteers present at Gonzales into some kind of an army. Some of the men had seen service under Austin around San Antonio, but most of them were raw recruits, among the latter being the latest arrivals from the United States. Notable among them were the members of a company of fifty from Newport, Kentucky, under Sidney Sherman, who had organized and equipped them at his own expense. Sherman and his company had arrived at the mouth of the Brazos a few weeks before, and had hastened to Gonzales with the idea of going to the relief of the Alamo. In all there were three hundred and seventy-four effective men when Houston arrived, and these he proceeded to organize into a regiment. Edward Burleson was elected colonel, Sidney Sherman lieutenant-colonel, and Alexander Somervell major. Houston was morally certain the Alamo had fallen and that the Mexican advance was only a matter of a few days, but he did all he could to allay the fears of the people in order to prevent, if possible, a precipitate flight of the entire population of the frontier.

On March 13 Houston sent "Deaf" Smith, Henry Karnes and R. E. Handy toward San Antonio, with instructions to obtain definite information with respect

to the fate of the Alamo. They had proceeded but twenty miles on their journey when they met Mrs. Dickinson and a small party of refugees from San Antonio and thus learned the whole truth. This party brought information also that a division of Mexicans under General Ramírez y Sesma was advancing toward Gonzales. The scouts returned to Gonzales with Mrs. Dickinson and the story of the massacre which she related caused great excitement. Many families started immediately for the east, without waiting to pack up their belongings, and thus was begun what came to be known as "the runaway scrape." Houston realized that he was in no position to meet the enemy with so few men, especially in view of the fact that they were undisciplined and untrained and almost entirely without equipment. He decided upon a retreat to a position nearer the center of the settlements, hoping in the meantime to be reinforced by new recruits and to have an opportunity to drill his men and make a beginning toward establishing discipline.

Mrs. Dickinson's story of the brave defense of the Alamo stirred the men to the depths. The consciousness that Travis and his companions had laid down their lives with such complete devotion to the cause of their country aroused their patriotism to the most intense pitch. The officers made the most of this feeling and impressed the men with the fact that a disciplined army must be brought into being in order to avenge the deaths of the heroes of the Alamo and to uphold the cause for which they had died. It was on this occasion that Colonel Burleson uttered the famous phrase, which is now inscribed on the Alamo monument at Austin, "Ther-

mopylae had its messenger of defeat, the Alamo had none." There were those among the volunteers who wanted to advance to meet the enemy, rather than to retreat, so greatly were they stirred. But Houston decided that the only chance of successful resistance lay in a retirement from the frontier. When it became known that the army was going to leave Gonzales, however, the panic among the people became complete. It would have been impossible to quell it in such circumstances, and Houston is not to be blamed, as some writers have seemed disposed to believe, for the proportions which the flight of the people took during the next few weeks. He made the best of an extremely bad situation. Not being able to prevent the panic, he did everything possible to facilitate the departure of the people from the frontier, even placing his few transport wagons at their disposal. It is hardly probable that he had a fully matured plan in mind when he decided to retreat, and there is evidence that he anticipated that it might become necessary to withdraw his army to the Sabine and trust to circumstances to involve the United States in the trouble. But the immediate course was clear. Retreat was the only hope.

So it was that on the night of March 14, after setting fire to the town of Gonzales, Houston and the loosely organized army under his command began their hasty march eastward. Their immediate destination was the Colorado. What they would do then, circumstances would have to develop.

CHAPTER XLIV.

THE GOLIAD MASSACRE.

HOUSTON'S order to evacuate Goliad and retreat to Victoria was received by Fannin on the morning of March 14. It was the first order Fannin had received from Houston, and the first news that had come to him of Houston's whereabouts since the latter left Goliad in January. However, two detachments of Fannin's troops, under Colonel William Ward and Captain King, about one hundred and seventy men in all, were absent, having gone to the relief of the inhabitants of Refugio, who were fleeing in the face of Urrea's advance, and it was not possible for him to carry out Houston's order promptly.

After destroying the forces under Grant and Johnson, Urrea had remained at San Patricio, awaiting orders from Santa Anna. Fannin had received news of his presence from Johnson and other refugees from San Patricio, and he had sent word to the people of Refugio to move as soon as possible. Many of them had taken this advice, but others remained until detachments of Urrea's forces began to make their appearance in the surrounding country. Finally a messenger from Refugio arrived at Goliad and requested that a guard be sent to assist in the removal of a few remaining families and their belongings. Thereupon Fannin dispatched Captain King and a detachment of twenty-three men to Refugio for this purpose. King reached Refugio on

March 12, and the same day Urrea started from San Patricio for that place. For some reason King delayed his departure until the advance of Urrea's troops arrived, and then he took a position in the mission house at Refugio and sent back to Goliad for reinforcements. Fannin responded to this call by sending Colonel Ward with one hundred and fifty men to King's relief. This was the situation when Houston's order arrived, and Fannin immediately sent a messenger to Ward informing him of the contents of the order and requesting that he return as soon as possible. Fannin then proceeded to make preparations for the retreat to Victoria, intending to move as soon as Ward and King should return.

Meantime, Ward reached Refugio and joined King in the mission, but shortly after his arrival he received the dispatch from Fannin ordering his return. He promptly issued orders to begin the march back to Goliad on the morning of March 14. Just before the time fixed for leaving, however, word was received that a large force of Mexicans had arrived and King was sent out with a scouting party to obtain information on this point. The Mexican force was the main body of Urrea's army, which soon encountered King and his small party and annihilated them. Hearing the firing of shots in the direction King had taken, Ward and his men advanced to King's relief and presently found themselves confronted by Urrea's entire force. Ward thereupon retreated to the mission building and prepared to make a desperate defense. Urrea followed and ordered an assault. The mission building was an old ruin of stone, exposed to direct assault from three sides. On the fourth side was a stone wall enclosing an old ceme-

tery. Captain Bullock and a company of thirty-five men were placed in this cemetery and Ward and the remainder of the force occupied the ruined building. Here a battle raged all day, after which the Mexicans, in spite of their greatly superior numbers, were forced to withdraw, having suffered much loss in killed and wounded.

By this time, however, the ammunition of the Texans was practically exhausted, and Ward was faced with the choice of an immediate retreat or ultimate surrender. The position of the Mexicans was such that it would be impossible to retreat toward Goliad, so Ward decided to attempt, under cover of darkness, to make his way to Victoria. With this purpose in view he set out through the woods and swamps on the night of March 14, and the next day Urrea took possession of the mission. On March 16 Urrea pushed on in the direction of Goliad, leaving a small force in possession of Refugio.

All this time, Fannin waited at Goliad for some word from Ward and King, meantime continuing his preparations for the retreat to Victoria. He felt that he could not abandon them while there was hope of their return, which is the full explanation of his alleged disobedience of Houston's orders to retreat without delay. He did, however, plan to take more artillery along with him than Houston's orders would justify, and to this extent did ignore the instructions of his superior. But all testimony of Fannin's associates who survived is to the effect that he intended to retreat as soon as Ward and King returned, or when he received definite news from them. On March 16 Captain Frazier, who had lived at Refugio and was acquainted with the surrounding coun-

try, proposed to Fannin that if he was supplied with a good horse, he would go to that place and return with news in twenty-four hours, unless he was killed or captured. Fannin consented to this, and Frazier started on his mission. At four o'clock the following day Frazier returned with a complete account of the disaster which had befallen King, and of Ward's retreat toward Victoria. Fannin immediately called a council of his officers and it was decided to begin the retreat at daybreak the following morning. Shortly after this decision was reached, a scouting party came in with information of the approach of Urrea. Preparations for the retreat were begun immediately and were continued during the night, while patrols were kept out to watch the movements of the enemy.

The story of Fannin's belated attempt to evacuate Goliad and its tragic result is best told in the words of one who participated in it. Dr. J. H. Bernard, a Chicago physician, who had responded to the first appeal of Texas for volunteers, was with Fannin throughout this period, and wrote a day-to-day account of the events of which he was an eyewitness. Beginning with March 18, the morning fixed for the evacuation of Goliad, his account follows:

"*March 18*—This morning, while taking the necessary measures for a retreat, in accordance with the resolutions of the officers in council last evening, a party of the enemy were discovered reconnoitering in the vicinity of the fort. Colonel Horton, with a few horsemen, sallied out to engage them. They did not wait for an attack, but fled, followed by Horton, until a large body of the enemy appeared, who in their turn chased

him and his party back. He then sent into the fort for all the horsemen, who turned out to his assistance and enabled him to resume the offensive. As the affair was nearly all visible from the fort, it produced considerable excitement, and all left the work to see the 'sport'. I went with several others to the top of the church, which commanded a fine view of the country for several miles around. Colonel Horton, now giving chase to his late pursuers, followed them over to the north side and on over the prairie; occasionally a shot was fired, until the parties were lost from our view in the distance. After a while they made their appearance coming back, but now the condition was again changed. The Mexicans were following our men and pressing them rather hard; but they succeeded in reaching the old *Aranama* (a mission), and getting under the shelter of its walls, made a stand. This was one of the old Spanish missionary stations, now in ruins, and standing about three-fourths of a mile northerly from the fort of La Bahía, and on the north side of the river. The Mexicans, numbering about one hundred, drew up in front at a safe distance and opened a fire, which was returned. Captain Shackleford now started out with his company to relieve Colonel Horton, and our artillerymen got one of their guns mounted on the wall and brought to bear on the Mexican party. A shot was fired at them, which fell short, but they thought it wise to draw off. They soon disappeared, and we saw no more of them.

"Colonel Horton left his position to return, met the company going to his rescue with warm greetings (they had forded the river and gone half-way to him), and returned with them to the fort in the highest spirits.

The events of the day had animated all, and good humor and cheerfulness prevailed. Thus far the events of the day were beneficial, but, alas! other considerations were forced unwillingly upon our minds. The day was spent when time with us was precious, and our retreat was necessarily postponed until the morrow. The horses were jaded and tired down, and our oxen, that had been gotten up to draw the cannon and baggage carts, were left all day without food. And we had given the enemy a day of our invaluable time in which to select his positions and perfect his arrangements for our destruction. I never heard that any man on either side had been injured in the skirmishing. Although fully determined, from the necessity of the case, on retreating, we were by no means disposed to run. We confidently counted on our ability to take ourselves and our baggage in safety to Victoria. We still had about two hundred and seventy men, besides Colonel Horton's company of thirty horsemen, numbering in all about three hundred. And though mishaps had come on thick and fast, we still had confidence and determination. The necessary night guards were put out for the night, during which we had some rain. Some alarms occurred, but they proved groundless.

"*Saturday, 19th*—The morning opened with a heavy, impenetrable fog. We left the fort as early as possible, with all our artillery and baggage, which was drawn by oxen. We fully expected an attack at the ford of the river. Colonel Fannin had, however, despatched Colonel Horton at an early hour to go down and occupy such a position as would most effectually prevent the enemy from interrupting us in the passage. We succeeded in crossing the river without molestation, but with some

delay arising from the weak condition of our teams. After all had passed, Colonel Horton's company was directed to scout around and give us notice if any of the enemy should appear. As yet they had not showed themselves and were favored by the fog, which was very heavy.

"We then marched on six miles to the Manehuilla Creek. After passing that a mile, we came upon a patch of green grass where there had been a late burn, and halted to let our animals graze, as well as for some refreshments for ourselves. Whether owing to the fact of the dense fog that had continued to this time, or to other causes, I know not, but thus far, and contrary to our expectations, we had not been molested; our scouts reported no enemy discoverable within four or five miles; no manifestations of attack or pursuit were apparent. After an hour's halt we resumed the march, supposing now that the enemy did not intend to obstruct our retreat, as they had neglected to avail themselves of the most suitable position for harassing us; and relying on the alertness and fidelity of our horsemen for giving us timely warning of their approach, we proceeded onward about ten miles. Our teams showed signs of weariness, and our march was necessarily slow. We had reached a low bridge when we discovered the enemy advancing in our rear. They had just emerged from the belt of timber that skirted along on this side of the creek, and consisted of two companies of cavalry and one of infantry.

"We halted, and a six-pounder was unlimbered, from which three shots were fired at them, but, as we perceived, fell short. It appeared that four horsemen had

been left in the rear, and they, instead of keeping a look-out, had, under a false sense of security, laid down, and were only aroused by the close approach of the Mexicans. They now came up at full speed, and only one of them (a man named Ehrenburg, a German) joined us. The other three, in the greatest apparent terror, passed about one hundred yards to our right, without even stopping to look at us, and under the strongest appliances of whip and spur, followed by a few hearty curses from our men. Observing one or two more bodies coming from the woods, Colonel Fannin ordered his men to resume their march slowly, so as not to worry the jaded oxen in going farther; thinking the party of the enemy in sight were come only to skirmish, in hopes of making some confusion by which they might hope to get some plunder; that Colonel Horton, being notified by our firing that the enemy was in sight, would immediately return and join us; and that we had only to keep ourselves cool and collected and we could easily foil such a party. The men all viewed the matter in the same light, and we marched onward coolly and deliberately for a mile farther, expecting all the time to see our horsemen coming to join us.

"We had now come to a piece of low ground, and were yet about a half a mile from the point of timber, when we were brought to a halt by the breaking down of our ammunition-cart. One company of the enemy's cavalry had come abreast of us, on our right flank, and the others had got a little in advance on our left, and their infantry was coming up in the rear. Before we could make any disposition of our broken-down cart

they closed around our flank and began their fire, and in this way the battle commenced. Colonel Fannin directed the men to hold their fire until they were close enough to make sure shots. Soon, however, the firing became general on both sides. I judged the enemy to be about five hundred strong at the commencement, but other troops kept continually coming up during the engagement, and by night they had not less than a thousand men opposed to us.

"The enemy's cavalry made numerous attempts to charge us, forming behind on a little rise of ground about four or five hundred yards off and then galloping up at full speed. But they were always so warmly received by our rifles that they were obliged to fall back. So confident were we in the beginning of the fight that Colonel Horton and his men would come back and rejoin us, that in several of their charges a number of the men imagined the party to be Colonel Horton's troops, and called out: 'Don't fire; they are our horsemen.' But neither Colonel Horton nor his men ever made their appearance. Our artillery did not appear to have so much effect on the enemy as was expected, and after the brave Petreswich, who commanded it, fell and several of the artillerymen were wounded, the guns were not much used in the latter part of the fight. Our men behaved with the utmost coolness and self-possession, and when it is considered that they were undisciplined volunteers, and this the first time (with most of them) of their encountering the enemy, their order and regularity would have reflected credit on veterans. The fight continued without intermission from about three P. M. until

night caused a cessation. The enemy drew off to the timber and encamped, having surrounded us by numerous patrols.

"We now had time to look around us and consider the situation. It was after sunset and a night of impenetrable darkness, such as is rarely to be witnessed. We were without water, and many, especially the wounded, suffering from thirst, and, on further inquiry, we found from some unaccountable oversight we had left our provisions behind. Our teams during the engagement were killed or had strayed off beyond our reach. We had seven men killed and sixty wounded, about forty of whom were disabled. Colonel Fannin had committed a grievous error in suffering us to stop on the prairie at all. We ought to have moved on at all hazards and all costs until we reached the timber. We might have suffered some loss, but we could have moved on and kept them at bay as easily as we repulsed them while stationary. Fannin behaved with perfect coolness and self-possession throughout and evinced no lack of bravery. He was wounded in the thigh and had the lock of his gun (musket) knocked off by a ball while in the act of firing. His former experience in fighting Mexicans had led him to entertain a great contempt for them as soldiers, and caused him to neglect such precautionary measures as were requisite from their great numerical strength and superiority. . . . The want of water was most severely felt, for all had become thirsty, and more especially the wounded, whose misery was greatly aggravated by it.

"It was determined by the officers to wait until morning before any further action was attempted; indeed, it

was impossible to do otherwise under the circumstances. In addition to the excessive darkness, the air was misty and there was not a breath of wind, and it would have been impossible to keep together or to have followed a straight course for two hundred yards. Wearied and supperless, I lay down on the bare earth, without any cover, in order to obtain some repose, but the coldness of the ground benumbed my limbs and roused me from an unsatisfactory slumber to seek for warmth in some exercise. This was supplied us by an order to make an entrenchment. During the fight, while drawn up in order of battle, which was a hollow square, we occupied about an acre of ground. When the firing ceased we had left the lines and congregated in the center, where we laid down. The entrenchment was made around us as we then were, and did not enclose a fourth part of the ground occupied in the battle. We went to work with our spades and dug a ditch three or four feet in depth. Our carts were then drawn up and disposed upon the breastworks so as to aid in our protection, and the carcasses of two horses (all that we had along with us) and two or three oxen were piled up for bastions. Thus the night wore away, the enemy's patrol keeping up incessant music with their bugles to regale us, while the shrill and discordant scream of the *Centinela Alerto*, which afterwards became so familiar, then first jarred upon my ear. I worked with the spade until fatigued, and then lay down for a little troubled sleep, until the chilliness of my limbs forced me to seek for warmth by using the spade again, and in such alternations the dismal night was passed and day at last dawned upon us.

Sunday, March 20—Early in the morning, and before

it was quite light, we perceived a reinforcement of three or four hundred men coming to the enemy with about one hundred pack-mules. They brought up two pieces of artillery and a fresh supply of ammunition, and they directly commenced the business of the day by treating us to a few rounds of grape and canister. The enemy now being well supplied, their force being superior to our own, having at least thirteen hundred men in good order, while we, exclusive of our wounded, could only muster about two hundred, and they worn down with the toils of the previous day, left our situation perilous in the extreme. The question was now agitated, 'Should we surrender?' We well knew their faithlessness and barbarity, as shown in the recent example of Johnson and King, and that we could not rely on any feelings of honor or humanity in them when once they had us in their power. The only chance for us to escape from them was by a desperate rush through their main line to the timber. This would necessarily involve the abandoning of our wounded to a certain death, and leaving everything behind. We felt confident, indeed, of being able to keep them at bay, but without provisions or water, it would be to postpone without averting our fate, and we were now satisfied that no aid would come to us from Victoria or the settlements. The officers consulted together, and then submitted the question to their respective companies. I was with my messmate in Shackleford's company when he submitted the proposition to us. After a cool discussion of the chance, it was considered that if the enemy would agree to a formal capitulation there would be some chances of their adhering to it, and thus saving our wounded men. Dr.

Shackleford resolutely declared that he would not agree to any alternative course that involved an abandonment of his wounded men. It was finally agreed that we would surrender if an honorable capitulation could be granted, but not otherwise, preferring to fight it out to the last man in our ditches rather than put ourselves in the power of such faithless wretches, without at least some assurance that our lives would be respected. These, as understood, were the sentiments generally of the party.

"When the matter was first proposed to Colonel Fannin, he was for holding out longer, saying, 'We whipped them off yesterday, and we can do so again today.' But the necessity of the measure soon became obvious. He inquired if the sentiment was unanimous, and finding that all, or nearly all, had made up their minds, he ordered a white flag to be hoisted. This was done and was as promptly answered by one from the enemy.

"The flags met midway between the forces; Colonel Fannin, attended by Major Wallace, the second in command, and Captain Dusaugue as an interpreter, went out and met the Mexican commander. After some parley, a capitulation with General Urrea was agreed upon, the terms of which were: that we should lay down our arms and surrender as prisoners of war; that we should be treated as such, according to the usages of civilized nations; that our wounded men should be taken back to Goliad and properly attended, and that all private property should be respected. These were the terms that Colonel Fannin distinctly told his men on his return had been agreed upon, and which was confirmed by Major Wallace and Captain Dusaugue (the interpreter). I

saw Colonel Fannin and Mr. Chadwick get out his writing-desk and paper and proceed to writing. Two or three Mexican officers came within our lines, and were with Colonel Fannin and Chadwick until the writing was finished. We were told the articles of capitulation were signed by the commander of each side and one or two of their principal officers; that the writings were in duplicate, and each commander retained a copy. I am particular and minute in all the incidents of this capitulation—and especially what fell under my personal observation—because Santa Anna and Urrea both subsequently denied the capitulation, but said that we surrendered at discretion. We were also told, though I cannot vouch for the authority, that as soon as possible we should be sent to New Orleans under parole not to serve any more against Mexico in the war with Texas; but it seemed to be confirmed by an observation of the Mexican colonel, Holzinger, who came to superintend the receiving of our arms. As we delivered them up, he exclaimed: 'Well, gentlemen, in ten days liberty and home.' . . .

"We now surrendered our arms, artillery and ammunition, etc., to the Mexicans, who took immediate possession; our officers were called to put these by themselves, which we did, in a box that was nailed up in our presence, with an assurance that they would be safely returned to us on our release, which they flattered us would shortly take place.

"Now that our fate was decided, I gave all my attention to the wounded. I was assisted by Dr. J. E. Field, who joined us about ten days before; also by Dr. Shackleford, captain of the company of 'Red Rovers', who was

a surgeon and physician by profession, and by Dr. Ferguson, a student of his, who had come out as one of his company. The prisoners were then marched back to Goliad, the wounded being left on the field until carts could be sent back for them. The loss of the enemy I never could learn with precision. They had above a hundred wounded badly that we (the surgeons) were afterwards obliged to attend to. Fifteen of their dead were counted in a few hundred yards of our entrenchment early in the morning, besides an officer badly wounded, who was brought into our camp and died shortly after. The accounts of the Mexicans themselves, of whom I frequently inquired, varied in their statements of the dead from forty to four hundred. Thus terminated the battle of *Encinal del Perdido* (Oak Grove of the Perdido Creek), by which from untoward events we were placed in their power; yet they had but little cause to boast of their victory." (In Texas this battle has been generally referred to as "the Battle of Coleto.")

It should be said in connection with Dr. Bernard's outline of the terms of capitulation, and his positive assertion that the surrender was not "at discretion," that a Spanish copy of the document, signed by Fannin, Wallace and Chadwick, found in the archives of the war department of Mexico, shows that the Texans surrendered "as prisoners of war, subject to the disposition of the supreme government." The version of Lieutenant Colonel Holzinger, who, with Colonel Morales and Colonel Salas, acted as commissioner for Urrea in drawing up the articles of surrender, is that there was a verbal agreement that Urrea would use his influence with the supreme government to have the men's lives spared, and

that Urrea and the Mexican commissioners all believed this would be done. Urrea objected to signing a written agreement to this effect for the reason that he was without power to do so. The men taken in arms were mostly from the United States and not colonists, and the supreme government had issued strict orders that all such should be treated as pirates and shot. Urrea says that his agreement was that he would intercede with Santa Anna in behalf of the men, and the assurance given Fannin was that no instance was on record of the Mexican government having executed a prisoner who had appealed to it for clemency. Urrea unquestionably did write to Santa Anna immediately, and received from him a long reply, the general purport of which was that he had no power to overrule the government "by remitting the penalty for such criminals as these foreigners." All of this, however, was unknown to the rank and file of the men, and, like Dr. Bernard, they all believed that the articles of capitulation were such as insured that their lives would be spared.

Dr. Bernard spent Monday, March 21, the day after the surrender, attending the wounded, and carts were sent out from Goliad to begin moving them to that place. The other surgeons left with a number of the wounded that day, and Dr. Bernard accompanied the last of them to Goliad the next day. On their way they met General Urrea and about one thousand men going to Victoria. It was for Victoria also that Ward and his companions were headed in their retreat from Refugio, and, arriving there about the same time as Urrea, they surrendered to him as prisoners of war. Colonel Horton and his detachment of cavalry, to whom Dr. Bernard refers in

his account of the battle, had also gone on to Victoria. They had decided they could be of no use when they discovered Fannin's situation, and though Colonel Horton himself favored returning and taking part in the hopeless contest, most of his men were unwilling to follow him, and so they made their escape. They managed to avoid capture at Victoria when Urrea advanced to that place. As shall be seen in due course, Ward and his men were sent as prisoners to Goliad, where Fannin's whole force was detained under guard, and a few days later seventy newly arrived volunteers from the United States, under Major William P. Miller of Tennessee, who were captured as they landed at Copano, were added to the prisoners, bringing the total to nearly five hundred.

Dr. Bernard's narrative shows that there was a general belief among the men that they were to be sent back to the United States, and that there was no intimation of the tragic fate that was in store for them. Resuming at the point where he tells of the journey to Goliad with the last of the wounded, the narrative, under date of March 22, continues:

"The captain of the escort appeared a very gentlemanly man, and endeavored to cheer our spirits. Finding that Captain Dusaugue could speak Spanish, he engaged him in lively and cheerful conversation, dismounting and walking with us for several miles. We certainly were inspired with more confidence by his cheerful and pleasant manners. It was dark when we reached the San Antonio River, which we waded, it being about three feet deep. Perceiving some disorder among the carts which had not yet crossed, our Mexican captain

went back to them, and the guard halted a moment on the east side. Captain Dusaugue now remarked in a very serious tone, that contrasted strongly with the cheerful voice in which he had been conversing: 'I am now prepared for any fate.' The words and his manner struck us with surprise, and we asked if he had ascertained by anything the captain had said that treachery was meditated. He said 'no', but repeated his former remark. The idea struck me that here was a chance for escape, by silently dropping into the water while the guard and the captain were on the other side and from the darkness could not see me. In two or three minutes I would have floated beyond their reach, and being a good swimmer could then easily escape. I stopped to consider the matter fully, and directly the captain and his guard were alongside of us, and thus by indecision in a critical moment I lost the chance. After-events frequently called this matter to my mind, and made me bitterly regret not having acted on my first impressions. It was late when we reached the fort, and we were sent into the church, where we found all the prisoners were put, crowded up in a very uncomfortable manner and strictly and strongly guarded.

"*Wednesday, March 23*—My first effort was to see Colonel Fannin, and if by possibility through him to get hold of some of our surgical instruments and hospital dressings for the wounded, we having been robbed of everything of the kind. Most of such articles had belonged to individuals, and Colonel Fannin, at my request, addressed a letter to the Mexican commandant, in which he claimed sundry instruments and other articles, not only as private property, according to the

terms of the capitulation, but from the necessity of the surgeons having them for the benefit of the wounded Mexicans, as well as of the Americans. The application was of no avail, and I should not mention it except to show that the terms of the capitulation had been appealed to once by Colonel Fannin, which of course he never would have done had there been no capitulation. This day all the prisoners except the wounded were removed from the church and placed on the west side of the fort. The church being still too small, the American wounded were removed to the *cuarteles* on the west wall.

Thursday, March 24—We had been politely requested by the Mexican officers as a favor that we should attend their wounded, as their surgeons had not yet arrived; which we, not to be outdone by them in politeness, told them we would do with the greatest pleasure. We, however, found we were not to be permitted to visit our own wounded until we had attended to all of theirs. We remonstrated with them, but to no purpose. A Mexican surgeon had at length arrived, but we had no assistance from him. It took us nearly the whole day to get through with the Mexicans before we could be allowed to see our own men and then we had so little time we could only dress some of the severest wounds and leave the rest altogether; some of them up to this time had not had the first dressing. We resolved to refuse attendance altogether on the Mexicans, at all risks, unless we could be allowed time to attend to our own, at least once a day. But at this time Major Miller with seventy men who had come from Nashville, Tennessee, and who had been made prisoners upon their landing at

Copano, were brought in. Major Miller immediately tendered his services to us as medical aide, as did some of his men, by which our labor was much lightened, and we thenceforward managed to get along without coming to a rupture with our taskmasters.

"*Friday, March 25*—Colonel Ward and the Georgia battalion were this day brought in as prisoners. After their retreat from the Mission del Refugio they had kept around by the coast endeavoring to get to Victoria. They had expended all their ammunition in their last fight, and had been about ten days in getting to the Guadalupe river, in the vicinity of Victoria. They had been within hearing distance of our guns on the 17th, but were unable to reach us. They had succeeded in getting across to the east side of the Guadalupe, when General Urrea came upon them with superior force and had offered them the same terms of capitulation that had been given Colonel Fannin. Wearied out, dispirited, with no ammunition or provisions, they had no alternative but to surrender, and were conducted back to Goliad.

"*Saturday, March 26*—Colonel Fannin, who with his adjutant, Mr. Chadwick, had been sent to Copano, returned this day. They were placed in the small room of the church, which had been appropriated to the surgeons and their assistants and guard; rather crowded, to be sure, but we had become accustomed to that. They were in good spirits and endeavored to cheer us up. They spoke of the kindness with which they had been treated by the Mexican colonel, Holzinger, who went with them, and their hopes of our speedy release. Fannin asked me to dress his wound, and then talked of his wife and children with much fondness until a late hour. I

must confess that I felt more cheerful this evening than I had since our surrender. We had reiterated assurances of a speedy release, it is true, by the Mexicans, though we placed little reliance upon them. Yet we had at least got our wounded in a way they could be attended to each day, which was very satisfactory. Our fare had been of the hardest, being allowed no rations but a little beef or broth. Now we had been able to purchase from the camp followers some coffee and bread, more grateful to me than any luxury I had ever tasted, and, after sleeping on the ground without a blanket from the time of our capture, I had at last succeeded in getting an old worn-out one, upon which I had laid down to rest this evening with more pleasure and happier anticipations than I before had allowed myself to indulge in.

"*Sunday, March 27*—At daylight, Colonel Guerrier, a Mexican officer, came to our room and called up the doctors. Dr. Shackleford and myself immediately arose (Dr. Field was at a hospital outside the fort) and went with him to the gate of the fort, where we found Major Miller and his men. Colonel Guerrier, who spoke good English, here left us, directing us to go to his quarters (in a peach orchard three or four hundred yards from the fort) along with Miller's company, and there wait for him. He was very serious and grave in countenance, but we took little notice of it at the time. Supposing that we were called to visit the sick or wounded at his quarters, we followed on in the rear of Miller's men. On arriving at the place, Dr. Shackleford and myself were called in the tent, where were two men lying on the ground, completely covered up so as we could not see their faces; but we supposed them to be 'patients'

that we were called to prescribe for. Directly a lad came in and addressed us in English; we chatted with him some time; he told us his name was Martinez, and that he had been educated at Bardstown, Kentucky. Beginning to be a little impatient that Colonel Guerrier did not come, we expressed an intention of returning to the fort, but Martinez said the directions for us to wait there were positive, and that the colonel would soon be in, and requested us to be patient a little while longer, which was all we could do. At length we were startled by a volley of fire-arms which appeared to be in the direction of the fort. Shackleford inquired: 'What's that?' Martinez replied that it was some of the soldiers discharging their muskets for the purpose of cleaning them. My ears, however, had detected yells and shouts in the direction of the fort, which, although at some distance from us, I recognized as the voices of my countrymen. We started, and, turning my head in that direction, I saw through the partial openings in the trees several prisoners running with their utmost speed and directly after them Mexican soldiers in pursuit of them.

"Colonel Guerrier now appeared, and with the utmost distress depicted in his face said: 'Keep still, gentlemen, you are safe; this is not my orders, nor do I execute them.' He then informed us that an order had arrived the preceding evening to shoot all the prisoners, but he had assumed the responsibility of saving the surgeons and about a dozen others, under the plea that they had been taken without arms. In the course of five or ten minutes we heard as many as four distinct volleys fired in as many different directions, and irregular firing that

was kept up an hour or two before it ceased. Our situation and feelings at this time may be imagined, but it is not in the power of language to express them. The sound of every gun that rang on our ears told but too terribly the fate of our brave companions, while their cries that occasionally reached us heightened the horrors of the scene. Dr. Shackleford, who sat by my side, suffered perhaps the severest agony the human heart can feel. His company of 'Red Rovers' that he brought out and commanded were young men of the first families in his neighborhood—his particular and esteemed friends; besides, two of his nephews who had volunteered with him, his eldest son, a talented youth, the pride of his father and beloved of his company, were there; and all save a trifling remnant were indiscriminately involved in the bloody butchery.

"It appears that the prisoners were marched out of the fort in three different companies, one on the Corpus road, one towards the lower ford, and one on the Béxar road. They went one-half or three-fourths of a mile, guarded by a file of soldiers on each side, when they were halted and one of the files passed through the ranks of the prisoners to the other side, and there all together fired upon them. It seems the prisoners were told different stories, such as that they were to go for wood, to drive up beeves, or to proceed to Copano. So little suspicion had they of the fate awaiting them, that it was not until the guns were at their breasts they were aroused to a sense of the situation. It was then, and I proudly record it, that many showed instances of the heroic spirit that had animated their breasts through life. Some

called to their comrades to die like men, to meet death with Spartan firmness, and others waving their hats sent forth their death-cries in huzzas for Texas.

"Colonel Fannin, on account of his wound, was not marched from the fort with the other prisoners. When told he was to be shot, he heard it unmoved; giving his watch and money to the officer who was to superintend his execution, he requested that he might not be shot in the head and that he might be decently buried. He was shot in the head and his body stripped and tumbled into a pile with the others. The wounded lying in the hospital were dragged out into the fort and shot. The bodies, with that of Colonel Fannin, were drawn out of the fort about a fourth of a mile and there thrown down.

"We now went back to the hospital and resumed our duties. Colonel Guerrier assured us we should be no longer confined, but left at large, and that as soon as the wounded got better that we should be released and sent to the United States. We found Dr. Field and about a dozen of Fannin's men had been saved. The two men who were concealed under the blankets in the tent were two carpenters by the name of White and Rosenberry, who had done some work for Colonel Guerrier the day before, which pleased him so much that he sent for them in the night and kept them there until the massacre was over. We continued attending the Mexican wounded for about three weeks. The troops all left Goliad for the coast the day after the massacre, leaving only seven or eight men to guard the fort and attend to the hospital. Major Miller, by giving his parole that his men would not attempt to escape, obtained leave for them to be at large.

"I must not omit to mention Señora Alvarez, whose name ought to be perpetuated to the end of time for her virtues. Her actions strangely contrasted with those of her countrymen, and deserve to be recorded in the annals of the country and treasured in the heart of every Texan. When she arrived at Copano with her husband (one of Urrea's officers), Miller and his men had just been taken, and were so tightly bound with cords as to check the circulation of the blood in their arms, and in this way had been left several hours. Her heart was so touched at the sight that she immediately ordered the cords to be taken off and refreshments given them. She treated them with great kindness, and when, the night before the massacre, she learned that the prisoners were to be shot, she so effectually pleaded with Colonel Guerrier (whose own humane feelings revolted at the barbarous order), that with great personal responsibility to himself and at great hazard in thus going counter to the orders of the then powerful Santa Anna, he resolved to save all that he could. In consequence a few of us were left to tell the tale of that bloody day.

"Besides those that Colonel Guerrier saved, Señora Alvarez had by connivance of some of the officers gone into the fort in the night and took out some that she kept concealed upon the parapet until after the massacre. When she saw Dr. Shackleford a few days after, and heard that his son was among those who were sacrificed, she burst into tears and exclaimed: 'Why did I not know that you had a son here? I would have saved him at all hazards.' She afterwards showed much kindness to the surviving prisoners, frequently sending messages and presents of provisions to them from Victoria. After her

return to Matamoros she was unwearied in her attentions to the unfortunate Americans confined there. She went on to the City of Mexico with her husband, who there abandoned her, and she returned to Matamoros without any funds for support, but she found many warm friends who had witnessed and heard of her extraordinary exertion in releasing the Texan prisoners. It must be remembered that when she came to Texas she could have considered its people only as rebels and heretics, the two classes of all others most odious to the mind of a pious Mexican. Goliad, the first town she came to, had recently been destroyed by them and its Mexican population dispersed to seek refuge where they might; and yet, after everything that had occurred to present the Texans to her view as the worst and most abandoned of men, she became incessantly engaged in contributing to relieve their wants and preserve their lives. Her name deserves to be recorded in letters of gold among those angels who have from time to time been commissioned by an overruling and beneficent power to relieve the sorrow and cheer the heart of man, and who have for that purpose assumed the form of helpless woman; that the benefits of the boon might be enhanced by the strong and touching contrast of aggravated evils worked by fiends in human shape, and balm poured on the wounds they make by a feeling and pitying woman."

A total of three hundred and ninety men lost their lives in the Goliad massacre, one of the most cold-blooded and barbarous crimes recorded in modern times. There is no question that Santa Anna alone was responsible for it. His orders were obeyed reluctantly by his subordinates, who were helpless to oppose his will.

When Urrea heard of it at Victoria he was greatly shocked. "Every soldier in my division," he wrote later, "was confounded at the news; all was amazement and consternation." Fannin's men, he said, "certainly surrendered in the belief that Mexican generosity would not make their sacrifice sterile; for if they had thought otherwise they would have resisted to the last, and sold their lives as dearly as possible."

The policy of "no quarter" was being applied by Santa Anna relentlessly. In the period of thirty days, from the massacre of Johnson's men at San Patricio to the slaughter at Goliad, and including the extermination of Dr. Grant's force, the killing of the men in the Alamo, and the annihilation of King's company, a total of more than seven hundred Texans became the victims of that policy. Meantime, Santa Anna and his army were advancing into the settlements and the people of Texas were fleeing for the American border. The only hope of Texas was Sam Houston and the undisciplined troops under his command, and they, too, were retreating before Santa Anna's advance. When the month of March closed it looked as if Santa Anna would carry out with complete success his threat to exterminate the Anglo-Americans or drive them across the Sabine.

CHAPTER XLV.

FLIGHT OF THE TEXANS.

After leaving Gonzales, Houston and has army had fallen back to the Colorado river. They reached Burnam's crossing on that stream on the afternoon of March 17, and Houston ordered a halt. By this time his army had grown to about six hundred men, and volunteers kept coming into camp constantly. Houston remained at Burnam's crossing two days, and was there when Fannin finally began his retreat from Goliad on March 18. On March 19 Houston and his men crossed to the east bank of the Colorado and then moved down to Beason's Ferry, which was almost opposite the site of the present town of Columbus. So rapidly did volunteers come in that in a few days there were between twelve and fifteen hundred men in camp. But they were raw recruits, only loosely organized, and Houston spent the time drilling them and endeavoring to organize them into a well-disciplined army.

Santa Anna himself was still at San Antonio, but he had sent two detachments out in pursuit of the fleeing colonists of the western frontier. A brigade under General Gaona had marched directly from San Antonio to Bastrop on the Colorado, passing north of Gonzales, and reached its destination the same day Houston arrived at Burnam's crossing. General Ramírez y Sesma, with about seven hundred men, had proceeded to Gonzales and then continued to the Colorado, arriving near

Columbia shortly after Houston reached Beason's Ferry. Here he was compelled to halt because Houston had taken the precaution of moving all the boats along the river to the east bank. Ramírez y Sesma and Houston, therefore, were now camped within a few miles of each other, with the Colorado, which was at flood stage, between them. The Texans outnumbered the Mexicans at this point by nearly two to one, and Houston had the advantage of being in possession of all of the boats. The river was less of a barrier to him than to the Mexicans, and some of Houston's officers, notably Colonel Sidney Sherman, urged upon him strongly the advisability of recrossing it and attacking Ramírez y Sesma. The Mexican commander regarded his situation as sufficiently serious to send word back to Santa Anna immediately that it would be impractical for him to attempt to cross the river and proceed without reinforcements. The rank and file of the Texans were eager for battle, and there was much criticism of the commander in chief for having retreated as far as he had. Houston, however, was unwilling to risk his men in a battle until they were better disciplined and more thoroughly organized. Moreover, shortly after their arrival at Beason's ferry the news of the capture of Fannin's entire army was received, and it became plain that the army under Houston was the only remaining hope for Texas, for it was the only armed force of Texans in the field. To risk that army in a battle was to risk all, and Houston was keenly conscious of the responsibility which rested upon him as the one man vested with the power to say whether that risk should be taken or not. Most of his officers and the rank and file of the men were sure they could defeat the Mex-

ican force under Ramírez y Sesma, and Colonel Sherman even asked permission to cross the river with the four hundred men under his direct command and attack it. But Houston was not so sure. Most of his men had not been under arms more than two weeks, and fully one-half of them had joined during the previous week. As a trained soldier he could not regard them otherwise than as a body of raw recruits, out of which an army could be made in time, but which was not yet an army. When he received the news that Fannin's men were in the hands of the enemy, therefore, he ordered a retreat to the Brazos.

This order nearly broke up the army. All unbiased reports show that there was widespread dissatisfaction among both officers and men over this move, and that from this time forward there was talk among them of deposing Houston. But more serious still was the fact that it resulted in wholesale desertion of men whose homes were west of the Brazos. To retreat from the Colorado and thus abandon the territory between that stream and the Brazos to the enemy, meant that the large number of colonists settled in the region would be without protection. Hundreds of men, therefore, left the ranks and hurried to their homes to assist their families to places of safety. It was then that the "runaway scrape"—the flight of the colonists toward the east—became a veritable panic.

Up to the time that he received the call for reinforcements from Ramírez y Sesma, Santa Anna had regarded the war in Texas as at an end. The capture of Fannin's men he believed to be the final stroke, and he gave the order for their massacre with the idea that it would put

a stop to the importation of men from the United States. He actually began preparations to leave Texas, intending to send most of his artillery and equipment overland across the Rio Grande, and to proceed to the coast himself and thus return by sea to Vera Cruz. But General Vincente Filisola, an Italian in the Mexican service, who had been commandant of the eastern internal states for a short time, and who was well acquainted with Texas, was of quite a different opinion, and had become alarmed over the manner in which Santa Anna had divided his forces. The Mexican army was split up into four parts, with a number of small detachments, like those at Goliad and Copano. Urrea was at Victoria, Gaona was at Bastrop, Ramírez y Sesma was at the Colorado near Columbia, and Santa Anna, with a number of other officers, was at San Antonio. Filisola feared that the Texans, by encountering these forces separately, would be able to conduct a campaign that would result in disaster for the Mexicans. He enlisted the cooperation of Colonel Almonte, who enjoyed Santa Anna's confidence, to urge the importance of concentrating the Mexican forces without delay. When the news came that Ramírez y Sesma was actually in sight of a superior force of Texans, Santa Anna yielded to this view, and dispatched orders to both Gaona and Urrea to march in the direction of San Felipe with the purpose of forming a junction with Ramírez y Sesma. Then, with six hundred men, he started at once from San Antonio to join Ramírez y Sesma, sending ahead instructions that the latter should not attempt to cross the Colorado unless the Texans retired from the opposite bank.

Meantime, Houston began his retreat from the Colo-

rado. As his army moved eastward, the inhabitants could be seen abandoning their homes and fleeing in the same direction, and with every mile men left the ranks to join their families and look after their safety. Houston reached San Felipe on March 28. The next day he marched up the Brazos, leaving one hundred men at San Felipe and sending a like force down the river to Fort Bend. It rained all day, and the river was out of its banks, and Houston's army, now very much reduced from the number that were mustered on the banks of the Colorado, had a very difficult time of it. At evening he camped on Mill creek, near the Brazos, and next day continued his march up the river. On March 31 he established a camp at Groce's ferry, about fifteen miles above San Felipe, and after taking possession of a steamboat there, he remained for twelve days. By this time the disagreement among Houston's officers and men over his course had become aggravated, and criticism of his movements was general. He kept his own counsel, however, and wrote to the provisional government at Harrisburg, which also had begun to bombard him with criticisms, that he was willing to be held personally responsible for the ultimate result. Explaining his march up the river, when some of his officers wanted to go down the stream, he wrote: "I consulted none—held no councils of war. If I err, the blame is mine." But before Houston left Groce's ferry, the provisional government became exasperated over his apparent inactivity, and President Burnet dispatched to him the following curt communication:

"Sir: The enemy are laughing you to scorn. You

must fight them. You must retreat no farther. The country expects you to fight. The salvation of the country depends upon your doing so."

It seemed a dark hour for Texas, for there was a general lack of confidence in the commander in chief and the people were fleeing toward the Sabine. The country between the Colorado and the Brazos was soon depopulated, and the settlers along the Brazos and east of it now began to flee. While Houston waited at Groce's ferry the detachment he had left at San Felipe crossed the river, the people of the place fled, and the town was burned to ashes. This latter event has never been satisfactorily explained, but Houston denied emphatically that he ever issued any orders for the burning of the town. With the oldest Anglo-American settlement in ruins, the flight of the colonists became general.

Noah Smithwick, who was at Bastrop when the Alamo fell, attached to a company of rangers under Maj. R. M. Williamson (Three-Legged Willie), gives a vivid description of the flight of the people in his reminiscences. He was first detailed to go in the direction of San Antonio and watch for the approach of the enemy. Returning to Bastrop after a few days he found the town entirely depopulated except for the company of twenty-two men to which he belonged. During the next few weeks this company performed various services, and on its way to join Houston traversed the territory from which the people had fled. Smithwick and his companions did not reach Houston's army until after the battle of San Jacinto, so he had an opportunity to see the country as it appeared in the wake of the fleeing Texans.

"The desolation of the country through which we passed," he writes, "beggars description. Houses were standing open, the beds unmade, the breakfast things still on the tables, pans of milk moulding in the dairies. There were cribs full of corn, smokehouses full of bacon, yards full of chickens that ran after us for food, nests of eggs in every fence corner, young corn and garden truck rejoicing in the rain, cattle cropping the luxuriant grass, hogs, fat and lazy, wallowing in the mud, all abandoned. Forlorn dogs roamed around the deserted homes, their doleful howls adding to the general sense of desolation. Hungry cats ran mewing to meet us, rubbing their sides against our legs in token of welcome. Wagons were so scarce that it was impossible to remove household goods. Many of the women and children, even, had to walk. Some had no conveyance but trucks, the screeching of which added to the horror of the situation. One young lady said she walked with a bucket in hand to keep the trucks, on which her mother and their little camping outfit rode, from catching fire.

"And, as if the arch fiend had broken loose, there were men—or devils, rather—bent on plunder, galloping up behind the fugitives, telling them the Mexicans were just behind, thus causing the hapless victims to abandon what few valuables they had tried to save. There were broken down wagons and household goods scattered all along the road. Stores with quite valuable stocks of goods stood open, the goods on the shelves, no attempt having been made to remove them."

Mrs. Kate Scurry Terrell, whose father was a member of the convention that adopted the declaration of independence and was also with Houston's army throughout

this period, and whose mother was one of the "runaways" as a girl of ten years, has written a vivid description of the "runaway scrape" which particularly emphasizes the heroism of the women. For it should be said that not all the men left the army to look after their families. The bravest remained with Houston and thus kept together an armed force to resist Santa Anna when the time came, and the wives and children of these men were compelled to flee without the assistance or direction of their natural protectors.

"On the women—brave wives and mothers of brave men," writes Mrs. Terrell, "fell the responsibility of protecting their families. Knowing the quality of Mexican mercy, they gathered their children and servants and started at once for the Brazos. Any kind of vehicle served for transportation; carriages, wagons, ox-carts (sometimes with cows hitched to them), were piled with bedding and babies, the women driving or following on foot or on horseback as they could. The panic was so great that frequently families would leave a meal on the table and join the rush, and the next one that came that way would snatch it as it raced by. It was an unwritten law that smokehouses were to be left open for the hungry to supply their wants, but nothing was to be wasted.

"Many pathetic incidents are related of this women's exodus as well as ludicrous ones. In Jasper county a woman tied a feather bed on her pony and fastened three of her children to it; taking the fourth in her arms and leading the pony she joined the 'flying squadron' of Jasper's 'runaways'. Another started from home in a wagon with a baby nine days old. While camping for the night there came up a terrific rain-storm, when the

women in camp gathered around the sick woman and held blankets over her to keep her and her baby dry and warm. No 'red badge of courage' shows finer than this.

"It had been an unusually wet winter, and the roads were long quagmires of bottomless mud, the prairies trackless sheets of water. Colonel Guy M. Bryan . . . says he can never forget the pitiful sight of the runaways when his family joined them at Cedar bayou. On the road, as far as the eye could reach, east and west, a motley crowd of suffering and perplexed humanity struggled, uncomplaining, through the mud. Many women and children were walking, some barefooted and bareheaded. A woman whose cart—one of those rude 'truck-carts' with wheels sawed from a large tree, into which the spindle of a wooden axle worked, the rough body being fastened to the axle by wooden pegs, and covered with a cotton sheet for tent; you may see many such in old Mexico today—was bogged in one of the numerous reedy *maritas* of the Neches prairie, the oxen lying in the water with only their noses out for air. The woman, with two little girls, sat on a little knoll patiently waiting for help. Colonel Bryan (then but a lad) took his mother's carriage to her assistance, but she would drive her oxen herself. Cracking her whip, she called, 'Rise, Buck! Rise, Ball! Now is the time to do your best!' And Buck and Ball rose to the occasion.

"The cry of 'Mexicans,' though of daily occurrence, always created a panic. Bedding, provisions, any and everything, would be thrown off to lighten the wagons, and the horses whipped into a run. The prairie at times was white with feathers emptied from beds, and the road lined for miles with household goods. Mrs.

Anson Jones, wife of the last President of the republic, tells of camps suddenly abandoned, where trunks were left open from a hasty rummage of some needed article, and mirrors left hanging on the trees.

"Danger from the disaffected Indians was another source of alarm. A solitary horseman across the prairie would often cause a stampede. Soon hunger and sickness added their gaunt forms to the general distress. Women sank by the roadside from exhaustion, and many little children died. The stronger women became veritable Sisters of Mercy as they went about nursing, encouraging and comforting the less fortunate."

Such was the spectacle that Texas presented during the early days of April, 1836. Many of these fleeing women and children were the widows and orphans of men who had died for Texas during the previous few weeks, and in the midst of their sorrow ultimate calamity seemed upon them. On every tongue were stories of grief, for there had been six weeks of continuous disaster. The massacre in turn of the men with Frank Johnson at Patricio, with Dr. Grant at Agua Dulce, with Travis in the Alamo, with King at Refugio, and finally with Fannin and Ward at Goliad, had made them six weeks of horror and terror. All towns west of the Brazos were in ruins, some of them in ashes, and people were fleeing to the American border even from Nacogdoches. When added to all this the spectacle of Houston's army retreating before the ruthless enemy was contemplated, it seemed the end of Anglo-American Texas. Intervention by the United States seemed the only hope.

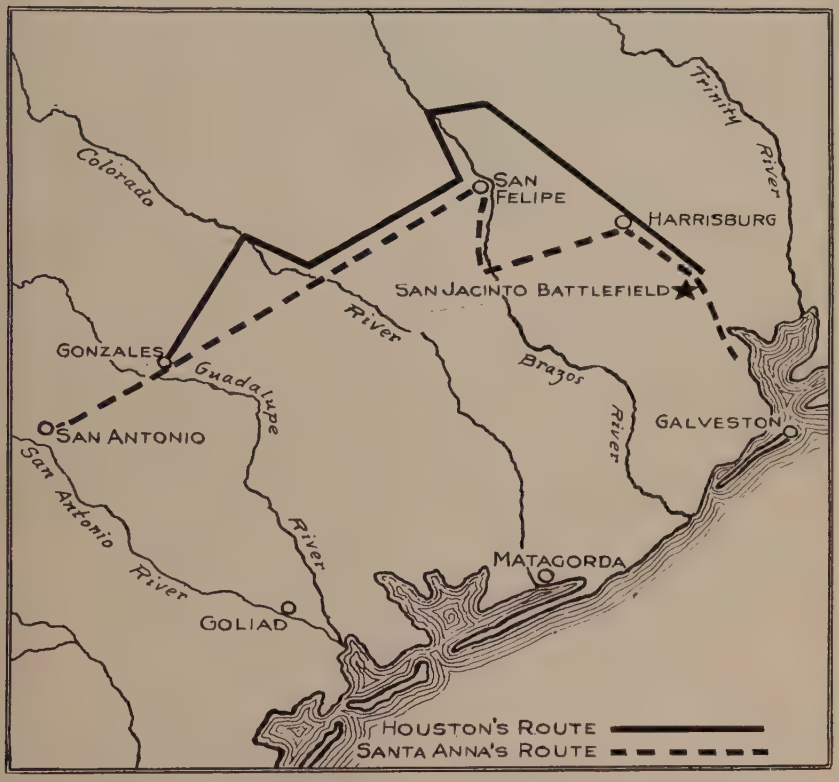
In the United States the Texas commissioners, who

were laboring day and night to arouse sentiment and to obtain money and men for the relief of their comrades, received the first news of disaster with sinking hearts. Stephen F. Austin was in New York, where he and William H. Wharton were vainly striving to float a loan of sufficient size to insure the financing of an army. The appeal of Travis to "All Americans in the World," followed by the news of the heroic death of the men in the Alamo, had stirred the American people to the depths. Throughout the country public sentiment was in favor of the Texans. But finance is a cold-blooded business matter, and financiers studied in calculating mood the chances of the defeat of the Texans before risking their money. There were public subscriptions, to be sure, and volunteers came forward to go to Texas to help in the struggle. But neither in money nor men was help coming quickly enough to meet the situation. An American army, under Gen. Edmund P. Gaines, had been ordered to the Louisiana-Texas border to prevent the armed forces of either side from crossing into the United States, and for a time it appeared that General Gaines would cross the Sabine to insure the neutrality of the Indians, but the administration at Washington was following a policy of "hands off." In this situation Stephen F. Austin, in face of the alarming news from Texas, issued an open letter to President Jackson and members of the cabinet and of congress, appealing to them to take up the cause of Texas, and make the war "open and above board." He pointed out that it already was—"sub rosa"—a national war.

This letter, which was dated April 15, was addressed

"To Andrew Jackson, Martin Van Buren, Richard M. Johnson, John Forsyth, Lewis Cass, T. H. Benton, and to any member of the Cabinet or Congress of all parties and all sections of the United States." It read as follows:

"Pardon me for this intrusion upon your valued time. I address you as individuals, as men, as Americans, as my countrymen. I obey an honest though excited impulse. We have recent dates from Mexico by the packet. It appears that Santa Anna has succeeded in uniting the whole Mexican nation against Texas by making it a national war against heretics; that an additional army of eight thousand men is organizing in Mexico under Gen. Cotazar to march to Texas and exterminate the *heretic Americans*. Santa Anna is now in Texas, as we all know, with about seven thousand men fighting under the bloody flag of a pirate—he is exciting the Comanches and other Indians, who know nothing of lines or political divisions of territory, and massacres have been committed on Red River within the United States. This is a war of barbarism against civilization, of despotism against liberty, of Mexicans against Americans. O my countrymen! the warm-hearted, chivalrous, impulsive West and South are up and moving in favor of Texas. The calculating and more prudent, though not less noble-minded, North are aroused. The sympathies of the whole American people *en masse* are with the Texans. This people look to you, the guardians of their rights and interests and principles. Will you, can you, turn a deaf ear to the appeals of your fellow citizens in favor of their and your countrymen and friends who are massacred, butch-



Routes of Santa Anna and Houston to San Jacinto

ered, outraged in Texas at your very doors? Are not we, the Texans, obeying the dictates of an education received here, from you, the American people, from our fathers, from the patriots of '76—the Republicans of 1836? Have not we been stimulated to obey the dictates of this noble education by the expression of opinions all over the United States and by all parties that we ought to resist and throw off the yoke of Mexican usurpation, and are we now to be abandoned or suffered to struggle alone and single-handed because the cold calculations of policy or of party have first to be consulted?

"Well, you reply, what can we do? In answer, I say, let the President and Cabinet and Congress come out openly and at once and proclaim to the public their opinions—let Texas have some of the thirty-seven million dollars now in the national treasury—let the war in Texas become a *national war*, *above board*, and thus respond to the noble feelings of the American people. Who can deny that it is a national war in reality—a war in which every free American who is not a fanatic, abolitionist, or cold-hearted recreant to the interests and honor and principles of his country and countrymen, who is not an icicle in soul and in practice, is deeply, warmly and ardently interested. In short, it is *now* a national war *sub rosa*. This will not do; this state of the matter can not, ought not to continue. Make it *at once* and *above board* and boldly what it is in fact, a *national war* in defense of national rights, interests and principles and of Americans. Let the administration and Congress take this position at once and the butcheries in Texas will cease, humanity will

no longer be outraged by a war of extermination against liberty and against Americans—peace will be restored and maintained on the Southwest frontier of this nation, and the Government of the United States will then occupy that open and elevated stand which is due to the American people and worthy of Andrew Jackson—for it will occupy *above board* the position which this nation as a people now occupy in heart, and in feeling and in wishes; a position which they are now defending in obedience to the noblest impulses of the heart by acts and with their blood, as warm hearts, noble spirits always do."

Austin sent copies of this letter to President Jackson and the other officials addressed by name, and published it widely in the newspapers. Jackson filed it away, after making the following notation on the margin:

"The writer does not reflect that we have a treaty with Mexico, and our national faith is pledged to support it. The Texans before they took the step to declare themselves independent, which has aroused and united all Mexico against them, ought to have pondered well—it was a rash and premature act; our neutrality must be faithfully maintained."

Jackson's neutrality was of a formal character, of course, for his sympathies were entirely with the Texans, but it was sufficiently real to prevent, for the time being at any rate such an open declaration as Austin proposed. There can be little doubt that if any valid excuse for sending an American army into Texas offered, Jackson would have eagerly seized upon it. Indeed, he already had decided to set up a claim to all the territory between the Sabine and the Neches rivers

and to send Gaines across the Sabine on this ground should necessity seem to require it. This claim was to be based upon an interpretation of the treaty of 1819, which had its birth in the fertile brain of Anthony Butler, and which contended that the Neches was the stream meant by the designation "Sabine" in the treaty. Moreover, under the terms of the treaty between the United States and Mexico with respect to the Indians, the latter was bound to keep the savages on their side of the border tranquil, and to prevent them from committing depredations on the American side, and the United States likewise was bound to prevent Indians from the American side from harassing people in Texas. General Gaines had instructions to see that these treaty provisions were observed, and for a time it looked as if alleged violation of these provisions would become the excuse for American intervention. George Lockhart Rives, who made a careful study of the relations between the United States and Mexico during this whole period, says:

"Pursuant to the orders of the War Department, Gaines proceeded to Natchitoches, but at so leisurely a rate that he did not reach that post until the fourth of April. On his way he heard a good deal about 'the sanguinary manner in which the Mexican forces seemed disposed to carry on the war against our Texan neighbors,' and from Baton Rouge he wrote the Secretary of War that he should deem it his duty to anticipate the lawless movements of the Mexicans and 'their red allies,' if he found any disposition to menace American settlements; and in that event he intended to cross 'our

supposed or imaginary national boundary' and meet 'the savage marauders wherever to be found in their approach to our frontiers.' "

Rives then proceeds to describe the conditions Gaines found on the American border. "He [Gaines] was greeted at once by a number of excited people," says Rives. "He was informed that Santa Anna was rapidly approaching; that his intention was to put to death all who did not yield to his dictation; that the Cherokee and Caddo Indians were to join him as soon as he reached the Trinity River, and unite with him in a war of extermination; that a Mexican agent had been stirring up the Indians on both sides of the border, and that the people of Louisiana were not safe unless there was an ample force 'to arrest the career of these savages.' "

A company of volunteers from Mississippi, on its way to join the Texans, reached Natchitoches three days after Gaines, and then continued its journey to Nacogdoches. Rives quotes a letter written home by the commander of this company, in describing conditions between the Sabine and Nacogdoches. "Advancing into the country," he wrote, "we found the roads literally lined with flying families, and instead of the men turning their faces to the enemy, we met at least three hundred men, with arms in their hands, going east. Perhaps they considered the contest hopeless and did not care to throw away their lives. The reports of the enemy's overwhelming numbers and bloody intentions were indeed alarming. We must have met, at least, a thousand women and children, and every-

where along the road were wagons, furniture and provisions abandoned."

These fugitives crowded into Natchitoches, and Gaines felt that in the circumstances something should be done. "He thought he was called upon," says Rives, "to decide whether he should sit still and suffer the Indian movements 'to be so far matured as to place the white settlements on both sides of the line wholly within the power of these savages,' or whether he should take steps at once to compel the Indians to return to their reservations. Without hesitation he decided on the latter course; but as he was persuaded that Santa Anna, with his 'Indian allies,' had somewhere from twelve to twenty thousand men, reinforcements appeared to be urgently needed. Gaines therefore, certainly without express authority, called on the governors of Louisiana, Mississippi, Tennessee and Alabama for volunteers."

During all this time Houston waited at Groce's Ferry, drilling his men and receiving the curses both of his officers and the members of the government for his inactivity. The government had sent Thomas J. Rusk, the secretary of war, to Houston's camp, with instructions to see to it that the Texans retreated no further, but on the contrary should begin a campaign against the enemy. Rusk seems to have become satisfied of the wisdom of Houston's course, though the latter's critics described Rusk's attitude as a submission to the spell of Houston's "influence." In any event he remained in camp with Houston on terms of the closest intimacy. That Houston entertained some hope of involving the United States and thus obtaining the assistance of the American army there can be little doubt, for while the convention

was still in session at Washington he sent back the suggestion, while en route to Gonzales, that the delegates adopt a formal declaration that Texas was part of the Louisiana purchase and lay the predicate for American help. No such action was taken by the convention, but that Houston should have made such a suggestion, even before he had received news of the fall of the Alamo, is significant. Many of his officers at Groce's Ferry were convinced that it was Houston's intention to retreat to the Trinity, and even to the Sabine, and there is evidence that he did consider the advisability of such a course. Orders were certainly sent to American volunteers coming into the country to halt at the Trinity, which would indicate that at the time they were issued Houston at least regarded it as possible that he would find it necessary to retreat in that direction. If Gaines crossed the Sabine, such a movement would have made possible cooperation between the American and Texan armies.

The government at Harrisburg certainly considered the possibility of American intervention, and dispatched Sam P. Carson, secretary of state, to Natchitoches to confer with General Gaines. On the way to that place, Carson heard a report that the American troops actually had crossed the Sabine, and sent back word to President Burnet. In a note which was undated, but which was certainly written during the first week of April, Carson said:

"News—good news! I have just heard through a source in which Judge Hardin has confidence that a company or battalion of U. S. troops left Fort Jessup eight or ten days since, crossed the Sabine and were

marching towards the Neches. I believe it to be true. General Gaines is there and doubtless my letter by Parmer had the desired effect. Jackson will protect the neutral ground. I should like his protection that far at present. If we are successful, we can hereafter negotiate and regulate boundaries. This news, just arrived, has infused new life into people here (Nacogdoches), and be assured I will keep the ball rolling."

Carson then proceeded to Fort Jessup at Natchitoches and had an interview with General Gaines. Under date of April 14, he reported to President Burnet and the cabinet as follows:

"On my arrival here last night I met with General Gaines and have had a full and *satisfactory* conversation. His position at present is a delicate one, and requires at his hands the most cautious movements. The object of the concentration of forces at Jessup is to protect the frontier and neutral ground, also to keep the Indians in check and repress savage aggressions. This he is bound to do in fulfillment of treaty stipulations between the government of the United States and Mexico. General Gaines issued an order to prepare thirteen companies to march this evening to the Sabine, with two field pieces with seventy-five rounds for each and thirty-five rounds for the infantry—also twelve days' provisions, etc.

"I herewith send you a copy of his requisition upon the government of Louisiana to furnish a brigade of mounted volunteers; a similar request has been made to the governors of Tennessee, Mississippi, and Alabama, requiring, however, only a battalion of the latter in consequence of the Florida war. He will have in a few

days (say 20 or 30) from seven to eight thousand men with him. You will perceive that we *cannot use Indian auxiliaries* unless in *self-defense*. The treaty referred to requires the United States to put such conduct down.

"I cannot state positively what General Gaines may do, but one thing I think I may say, that should he be satisfied of the fact that the Mexicans have incited *any Indians*, who are under the control of the United States, to commit depredations on *either* side of the line, he will doubtless view it as a violation of the treaty referred to, and be assured that he will maintain the honor of his country and punish the aggressor, be he who he may. Now the *fact* is that the Mexicans have already with them a number of Caddoes, some Cherokees, and Indians of other tribes which are under the protection and control of the United States. It is only necessary then to *satisfy* General Gaines of the fact, in which case, be assured he will act with energy and efficiency. The proofs will, I have no doubt, be abundant by the time he reaches the Sabine; in which case he will cross and move against the aggressors."

It was the day following the writing of this communication that Austin issued from New York his open letter to President Jackson. Events during the next two weeks completely changed the situation. But at the moment the way was being prepared for American intervention. To many it seemed the only hope for Texas.

CHAPTER XLVI.

VICTORY AT SAN JACINTO.

WHILE Houston waited at Groce's Ferry, Santa Anna proceeded to carry out his plans for concentrating his forces. With Filisola as second in command, he began moving his main army from San Antonio to join Ramírez y Sesma, who had started to move his force across the Colorado immediately after Houston's retreat from Beason's Ferry, and at the same time Urrea moved from Victoria and Gaona from Bastrop, the destination of all of these forces being San Felipe on the Brazos. Santa Anna arrived with the advance contingent of his army at the Colorado on April 5. Ramírez y Sesma had moved only part of his force across the Colorado, and Santa Anna immediately took command of a brigade which already had crossed the river, and hastened on to San Felipe. He left Filisola in charge to move the remainder of Ramírez y Sesma's forces and the San Antonio army to the Brazos. Santa Anna came in sight of the charred ruins of San Felipe on the morning of April 7. A company of about one hundred and twenty Texans, under Capt. Mosely Baker, was still camped on the opposite bank of the river and, all boats having been either destroyed or taken to the east bank, it was impractical for Santa Anna to continue his advance at this point. He learned that Houston and the main body of the Texas army were up the river at Groce's Ferry, but instead of waiting for Filisola and

the others to arrive and then engage Houston, he decided to make a trip down the river in the opposite direction from the Texan camp. He left San Felipe on April 9, following the course of the San Bernardo river for some distance, and then marched east to the Brazos again. At Thompson's Ferry, about twenty miles below the present town of Richmond, he was joined by Ramírez y Sesma on April 13 and, learning that President Burnet and the other members of the government were at Harrisburg, about thirty miles away, he decided to cross the Brazos and go in person to capture the "rebel leaders." Before crossing, however, he sent orders to Urrea to occupy Brazoria and to send small detachments up and down the west bank of the Brazos from that point and, detaching five hundred men from his own forces, he placed General Cos in command of them and ordered him to Velasco, with instructions to proceed from that place along the gulf coast in the direction of Galveston. Filisola was at this moment on his way from San Felipe, and Santa Anna left Ramírez y Sesma in command at Thompson's Ferry to await him, and then crossed the Brazos on the afternoon of April 14. He had heard nothing from Gaona, who was supposed to be marching from Bastrop to San Felipe. The truth was that Gaona had lost his way, and in consequence played no further part in the campaign.

Santa Anna now marched with seven hundred and fifty men directly to Harrisburg, reaching that place on the evening of April 15. President Burnet and the Texas cabinet had received word of his approach and had fled to Galveston, so Santa Anna assuaged his disappointment by burning the town, a useless though

characteristic piece of vandalism. He believed the war was over now, and the burning of Harrisburg was evidently part of his program of exterminating the Anglo-American settlements in Texas. Leaving Harrisburg, Santa Anna proceeded toward New Washington, on the shores of Galveston Bay, crossing the San Jacinto at Lynch's Ferry. After proceeding about fifteen miles he sent Colonel Almonte and a small contingent ahead to examine the country as far as New Washington, and when the latter returned with the information that Houston was supposed to be retreating to the Trinity, by way of Lynch's Ferry, instead of going immediately to intercept him, Santa Anna marched to New Washington, arriving there on the afternoon of April 18. For no apparent reason, and evidently in the secure feeling that he could deal with Houston whenever he pleased, he remained there until the morning of April 20.

Houston, in the meantime, had remained at Groce's Ferry on the Brazos without giving any intimation of his plans until April 11. On that day he issued orders to all parties along the river to join him without delay, and the next day he began to move his army across the Brazos, using the steamboat he had detained for this purpose. Two days were consumed in crossing the river, and then Houston waited until April 16 for the parties posted along the river to come up and for the arrival of two pieces of artillery which were en route from Velasco. These two six-pounders, known as the "Twin Sisters," were the gift of the people of Cincinnati, Ohio, and they were the only artillery that Houston ever received. He had learned of their arrival at Ve-

lasco while the army was still at Beason's Ferry on the Colorado, and he had sent his adjutant general, John A. Wharton, to the coast to get them and conduct them to the army. Wharton reached the army with his precious freight on April 15, and the next morning the Texans left the banks of the Brazos, without being informed by the commander in chief of their destination.

A few miles east of the Brazos was Donohue's, where the road to the Trinity forked, the main road continuing directly to that stream and then on to Nacogdoches, and the other turning south to Harrisburg. The general opinion in the army was that Houston intended to continue his retreat directly to the Trinity, and there was much discontent among the men over this. Houston's officers made it very clear to him that if he did not take the road to Harrisburg at Donohue's there would be trouble. One story, not very well authenticated, pictures John A. Wharton riding up to Houston and informing him that if he attempted to take the road directly to the Trinity he would be shot by his men, for they were determined to go the other way. This probably is an exaggerated description of a real incident, for there seems no room for doubt that a great many of the officers and men were convinced that it was Houston's intention to retreat to the Redlands instead of going to Harrisburg after Santa Anna, and it is certain they were determined not to follow him in such a course. On the other hand, this whole episode serves to illustrate the condition of insubordination and lack of confidence in the commander in chief that existed among the officers and men. Houston kept his own counsel during all this dissatisfaction, and said nothing as to his plans. When

the army reached Donohue's the advance guard turned into the Harrisburg road, and as neither Houston nor anyone else attempted to countermand this move, the whole army followed. As the men in the ranks realized what was happening they broke into cheers and quickened their pace towards Harrisburg. At last they were marching toward the enemy instead of away from him.

Houston himself has described the march to Harrisburg. It was effected, he says, "through the greatest possible difficulties." "The prairies were quagmired," he continues. "The contents of the wagons had to be carried across the bogs, and the empty wagons had to be assisted in aid of the horses. No less than eight impediments in one day had to be overcome in this way. Notwithstanding that, the remarkable success of the march brought the army in a little time to Harrisburg, opposite which it halted."

The Texas army reached Harrisburg in the forenoon of April 18, about the same time that Santa Anna was approaching New Washington. Here a halt was made until the following morning, during which "Deaf" Smith captured a Mexican courier en route to Santa Anna with dispatches from Filisola and the Mexican government. Several days before Santa Anna had sent orders to Filisola to divert Cos from his projected movement along the coast and send him forward to the San Jacinto immediately. The captured dispatches disclosed these plans and gave Houston definite information of the movements of Santa Anna. Houston acted promptly. He and Secretary of War Rusk made stirring addresses to the men, informing them that they

would soon be on their way to attack the enemy and urging them to avenge the heroes of the Alamo and the martyrs of Goliad. There were between one hundred and fifty and two hundred sick and temporarily disabled men in the army, a circumstance which had made the march to Harrisburg more difficult, and Houston established these in a camp at Harrisburg, with a guard of seventy-five men under Major McNutt. Leaving these and the baggage behind, and taking provisions for three days, Houston now set the army in motion in the direction Santa Anna had taken a few days before.

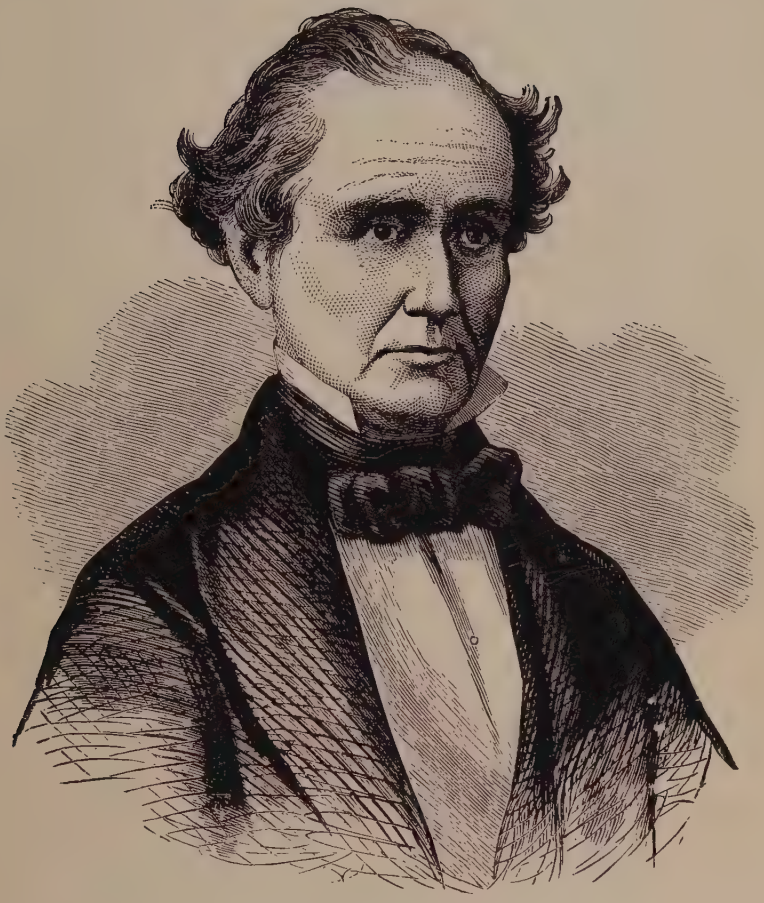
It required most of the afternoon to move the army across Buffalo bayou, and though it was nearing nightfall, Houston gave orders that the march should be continued without interruption. The point at which the bayou joins the San Jacinto was the destination of the Texans, and the march was kept up till nearly midnight without a halt. "The troops continued to march," says Houston, "until the men became so exhausted and fatigued that they were falling against each other in the ranks, and some falling down from exhaustion." A rest of about two hours was taken, therefore, but the march was resumed with renewed speed after the men had been thus refreshed. Shortly after sunrise on April 20 the army halted to slaughter beeves and have breakfast, but before the meal could be prepared a party of Texas scouts came in and reported that the scouts of the enemy had been sighted. Everything was packed quickly and the army was soon on the march again. Early in the forenoon the Texans reached Lynch's Ferry, and from this point they fell back about a half mile and established themselves in an oak grove on the

banks of Buffalo bayou. A prairie, about two miles in width, extended in front of them and to the right towards Vince's bayou, and south of this was a marsh. Buffalo bayou was at their back, and the San Jacinto river to their left.

Santa Anna had burned New Washington that morning and had started back toward Lynch's Ferry. In due course he and his army reached the prairie above described, and having been previously informed of the general whereabouts of the Texans, Santa Anna ordered a halt near the southern edge of it, where he established his camp. According to some of Santa Anna's officers it had been his intention to attack the Texans at once, but Houston kept his position so well hidden in the timber that the Mexicans could not locate it with certainty. With a view of routing them out, Santa Anna advanced his one piece of artillery, a six-pounder, with a detachment of cavalry to protect it, and fired at the camp of the Texans. At the same time he sent his infantry forward as to an attack. To his surprise the Texans responded immediately with artillery fire and compelled his infantry to retreat. The Mexican artillerymen and cavalry sought cover in a small patch of timber on the side of the prairie, and from this position they kept up a desultory firing during the afternoon. Colonel J. C. Neill of the Texan artillery was severely wounded in this action. Some time before sundown Colonel Sidney Sherman and a company of mounted volunteers obtained permission to attempt to capture the enemy's gun. A rather lively skirmish with the Mexican cavalry resulted, and the gun was withdrawn. Sherman retired with his men in good order, with two

wounded, one of whom died later. Thus the day came to an end with the two armies camped in sight of each other. Houston was afterwards criticized for not making a night attack upon the Mexicans, in view of the fact that he knew that Cos was hurrying forward with a sufficient number of troops to give Santa Anna the superiority of numbers. But when it is considered that his men had marched almost constantly from the afternoon of the nineteenth till nearly noon on the twentieth, that they were worn out and in need of sleep, his decision to give them a night's rest is less open to criticism than some have seemed disposed to believe.

At nine o'clock on the morning of the twenty-first Cos arrived in the Mexican camp with four hundred men, having made an all-night march from Harrisburg, similar to that of the Texans, to join Santa Anna. This brought the Mexican force up to a little more than eleven hundred men, thus placing Houston at a considerable disadvantage as to numbers. The Mexicans made no move during the morning, and about noon Houston was requested by his officers to call a council of war. To this he consented—and the first council of war since Houston assumed command of the army was held. The question discussed was whether the Texans should remain in their position and wait for the Mexicans to attack, or whether they should attack the Mexicans. No decision was reached, but a majority of the officers expressed opposition to attacking the Mexicans in their position. It was set forth that the Texans were impregnable in their position, and would have a decided advantage if the Mexicans attacked them, whereas for the Texans to make an assault on a



SIDNEY SHERMAN

foe of superior numbers, crossing an open prairie to do so, would be to take a needless risk. Houston said nothing as to his plans, and the council adjourned without decision. Meantime, however, he sent "Deaf" Smith and a party of scouts to destroy the bridge across Vince's bayou, in order to delay the arrival of any more reinforcements which might be on the way to join Santa Anna.

At half-past three in the afternoon, Houston ordered the army to parade and prepare for an attack upon the enemy. The order was received with enthusiasm. Under the cover of the timber which obscured their position from the enemy, the Texas army, consisting of seven hundred and eighty-three men, formed in battle order. The first regiment, Colonel Burleson commanding, was placed in the center; the second regiment, under Colonel Sidney Sherman, formed the left wing; the artillery—the precious "Twin Sisters"—was just right of the first regiment, with Colonel George W. Hockley in command; four companies of infantry, under Lieutenant-Colonel Henry Millard, were placed to the right of the artillery, and next to these, on the extreme right, was a company of cavalry, sixty-one in number, under command of Colonel Mirabeau B. Lamar, only recently arrived in Texas and destined to play an important part in its history. When everything was in readiness the movement was begun. Lamar, with the cavalry, sallied forth in front of the enemy's left to attract attention while the movement was under way. First the artillery advanced to a point within two hundred yards of the breastwork which the Mexicans had

thrown up around their camp, and then the whole army moved forward quietly until it was within musket range of the enemy.

All of this was accomplished without the enemy being aware that anything was happening. A Mexican officer describes the condition of the Mexican camp at the moment of the arrival of the Texas army as follows: "At this fatal moment the bugler on our right signaled the advance of the enemy upon that wing. His Excellency (Santa Anna) and staff were asleep; the greater number of the men were also sleeping; of the rest, some were eating, others were scattered in the woods in search of boughs to prepare shelter. Our line was composed of musket stacks. Our cavalry were riding bare-back to and from water. I stepped upon some ammunition boxes, the better to observe the movements of the enemy. I saw that their formation was a mere line of one rank, and very extended. In their center was the Texas flag; on both wings they had two light cannons, well manned. Their cavalry was opposite our front, overlapping our left. In this disposition, yelling furiously, with a brisk fire of grape, muskets and rifles, they advanced resolutely upon our camp. There the utmost confusion prevailed."

The attack came as a complete surprise to the Mexicans. Colonel Sherman, as the army advanced, shouted to his men, "Remember the Alamo! Remember Goliad!" The cry was taken up immediately all along the line. It was these memorable battle-cries that the Texans were "yelling furiously" as they crossed the unmanned breastworks and rushed into the Mexican camp. Then followed a general slaughter. The Mexican of-

ficers could not succeed even in getting a line formed. After firing their one piece of artillery two or three times, the gunners abandoned it, loaded. The confusion was complete. "General Castrillon," says the Mexican witness already quoted, "shouted on one side; on another Colonel Almonte was giving orders; some cried out to commence firing; others to lie down to avoid grape-shots. Among the latter was His Excellency. Then, already, I saw our men flying in small groups, terrified, and sheltering themselves behind large trees. I endeavored to force some of them to fight, but all efforts were in vain—the evil was beyond remedy; they were a bewildered and panic-stricken herd."

The Texas artillerymen kept up a brisk fire from the "Twin Sisters," from opposite directions, into the woods and amid the terrified and fleeing Mexicans. The camp itself was almost deserted when the main body of the Texans reached it, but Santa Anna's camp site had been chosen with such little judgment that flight was cut off by the bay on one side and by the open prairie on the other. Besides, there was a deep gully or bayou between the camp and the timber that skirted the bay. The Texans pursued the Mexicans in all directions, shooting them down or clubbing them with their guns, for they had no bayonets. "I saw His Excellency," writes our Mexican witness, "running about in the utmost excitement, wringing his hands and unable to give an order. General Castrillon was stretched on the ground wounded in the leg. Colonel Treviño was killed, and Colonel Marcial Aguirre was severely injured. . . . . Everything being lost, I went—leading my horse, which I could not mount, because the firing had

rendered him restless and fractious—to join our men, still hoping that we might be able to defend ourselves, or to retire under the shelter of the night. This, however, could not be done. It is a known fact that Mexican soldiers, once demoralized, can not be controlled, unless they are thoroughly inured to war."

Colonel Almonte was the only officer among the Mexicans who succeeded to the smallest extent in rallying any of the men. He did get a small force to form in order and for a few moments to make a show of resistance. But it was no use. The onset of the Texans was so furious, and the confusion of the Mexicans so contagious, that most of this force presently dissolved into flying individuals, soon to be shot down or taken prisoners, and Almonte and the rest were compelled to surrender.

"On the left, and about a musket-shot distance from our camp," says our Mexican witness, "was a small grove on the bay shore. Our disbanded herd rushed for it, to obtain shelter from the horrid slaughter carried on all over the prairie. . . . Unfortunately, we met, on our way, an obstacle difficult to overcome. It was a bayou, not very wide, but rather deep. The men, on reaching it, would helplessly crowd together, and were shot down by the enemy, who was close enough not to miss his aim. It was there that the greatest carnage took place."

"Remember the Alamo! Remember Goliad!" the Texans shouted again and again, as they pursued the panic-stricken Mexicans. When the purport of these words dawned upon the bewildered senses of the Mexican soldiers, they began to beg for mercy, and to cry out,

"Me no Alamo! Me no Goliad!" But during the conflict, which lasted about twenty minutes, no quarter was given. About six hundred of the Mexicans were killed and two hundred wounded. Most of the remainder were taken prisoners before nightfall, and others were captured next day. The entire army under Santa Anna, with the exception of about forty men who escaped, was included among the killed, wounded and captured. The Texans lost only two killed and twenty-three wounded, six of the latter mortally. Houston himself was among the wounded, having received a ball in the ankle.

After the excitement of the actual conflict was over, and the great number of prisoners were herded into camp, the Texans searched among the Mexican officers captured for two men in particular—Santa Anna and Cos. Santa Anna, as the author of all the crimes that had been committed against the Texans, was wanted especially; and Cos, because he had violated his parole and the pledge given in the capitulation agreement at San Antonio that he would not take up arms again against the Texans, was second only to the dictator himself in unpopularity. The Mexican officer already quoted, and who was captured and brought into camp by Captain Allen, gives a vivid description of this feeling among the Texans.

"At last we reached the camp," he says. "We were seated on the ground, by twos, as we had marched. On the bay shore our thirst had been quenched with an abundance of water, which Allen and others allowed to pass from hand to hand until all of us were satisfied. A crowd gathered around us, asking with persistent im-

pertinence, 'General Santa Anna? General Cos?' We knew not the fate of these gentlemen; but, to rid ourselves of their repeated questions, we answered: 'Dead! dead!' I still wore my embroidered shoulder straps on my jacket; they attracted their attention, and one after another would say: 'You General?' 'Me no General!' would I answer, until one of the indefatigable questioners tore off my shoulder-straps angrily. I was glad of it, as they ceased importuning me with their questions."

Cos was captured early the next day by a small company of cavalry under Capt. Henry W. Karnes, which included "Deaf" Smith. It is said that the captive, when taken into custody, realizing that he had not been recognized, boldly asked Smith whether General Cos had been killed or captured, and that Smith replied, "He has been neither killed nor captured. I am seeking him now, for he is one scoundrel I wish to kill in person." Whether this story is true or not, Cos was well treated by his captors, his fate being left to the Texas government.

During the whole of the forenoon of April 22 the search for Santa Anna was continued, but no trace of him was discovered. None of the dead could be identified as the Mexican dictator and he was not found among the prisoners. Many straggling fugitives were picked up and brought into camp, but Santa Anna seemed to have made good his escape. Colonel Burleson and a detachment of cavalry had been out all morning on this search, and had scoured the country along Vince's bayou without result. Shortly after noon six members of this party, under command of Sergeant James A. Sylvester, who were on their way back to camp, espied

a man on foot about a mile away. They galloped up towards him, five of the riders following the curve of the bayou, and Sylvester going across the prairie directly to the spot where the man had been seen. The fugitive had disappeared almost immediately after the Texans discovered him, but Sylvester was certain that he could not get very far away on foot. Sylvester reached the place just ahead of the others and discovered a Mexican lying prone in the tall grass as though he were dead. Sylvester ordered him to get up, but he continued to lie still, feigning death. One of the other Texans leveled his pistol at the prostrate form, saying, "Boys, I'll make him get up," but Sylvester called out sternly, "Don't shoot!" At the same time Sylvester dismounted from his horse, and going over to the Mexican, gave him a kick, saying to him sharply, "Get up, damn you!" The Mexican obeyed this command promptly and addressed Sylvester in Spanish. One of the Texans who understood the language imperfectly managed to catch the drift of his remarks, which were to the effect that he was a cavalryman and had left his horse in an effort to escape. The prisoner, though roughly dressed, did not look like a common soldier, but he bore no distinguishing mark by which to determine his rank. Sylvester and his companions took him into camp, without suspecting his identity. While they were passing some of the other Mexican prisoners, however, a number of them came to attention and saluted, and a few let fall the exclamation, "El Presidente!" It was indeed Santa Anna, and Sylvester took him directly to Col. George W. Hockley of Houston's staff, saying that he believed the prisoner was the Mexican dictator.

Hockley, accompanied by Major Ben Fort Smith, took the prisoner at once to Houston, who was reclining under an oak tree, resting his wounded ankle. "General Houston," said Hockley, "here is Santa Anna." The latter made no further attempt to conceal his identity, but immediately addressed Houston in Spanish. Moses Austin Bryan, Stephen Austin's nephew, a youth of nineteen, who was temporarily attached to Houston's staff as an interpreter, was standing near the commander in chief, and Houston turned to him and asked him what the prisoner had said. Bryan interpreted Santa Anna's words as follows: "I am Antonio López de Santa Anna, president of Mexico, commander in chief of the army of operations, and I put myself at the disposition of the brave General Houston. I wish to be treated as a general should be when a prisoner of war." Houston then directed Santa Anna to have a seat.

The news that Santa Anna had been captured spread through the camp and caused great excitement. Practically the whole army crowded around to view the prisoner and, as can be well imagined, there was much feeling among the men. General Rusk, the secretary of war, was with Houston when Santa Anna was brought before him, and he took charge of the interview. Presently Lorenzo de Zavala, the vice-president, and Colonel John A. Wharton, joined the group, and Zavala, who knew Santa Anna well and hated him as a traitor to the liberal cause, acted as interpreter. Rusk suggested that Santa Anna might desire to have Colonel Almonte to act as interpreter on his behalf, to which suggestion the prisoner assented eagerly. So Almonte was sent for and the interview proceeded. Santa Anna remarked that

he would like to negotiate for his release as quickly as possible, but was informed that it was a question for the Texas government to decide. He protested that he did not want to deal with civilians, that it was a matter to be settled between soldiers. But Rusk and Zavala, as the representatives of the civil government, proceeded to conduct the interview.

Without any suggestion from the Texans, Santa Anna immediately launched into a defense of the slaughter of the men in the Alamo and the massacre at Goliad. He said that the defenders of the Alamo would not surrender and that there was no choice but to exterminate them. According to Rusk, the story that he denied that Urrea had made a treaty of capitulation with Fannin is not precisely true. Instead of denying the treaty, he contended that neither he nor Urrea had power to spare the lives of foreigners taken in arms on Texas soil, that congress had ordained that all such persons should be shot and that he was compelled to give the order for the execution of Fannin's men in obedience to that decree. He was embarking upon a reasoned defense of his course, when General Rusk interrupted him and told him that the less he said about it the better it would be for him. Urrea had made a treaty with Fannin, Rusk said, stipulating to extend to him and his men the usual treatment of prisoners of war. This agreement alone had induced them to surrender, he said, and to shoot them in violation of that treaty afterwards, whatever might be the laws of Mexico, was murder of the blackest character. If Santa Anna regarded the preservation of his own life, he added, it would perhaps be well for him to offer no palliation to a crime which

would blacken the character of all the officers concerned in it, and would attach disgrace to the Mexican nation as long as its history should continue to be recorded.

This effectually silenced Santa Anna, and when the proposal was made to him that an armistice should be arranged, he agreed to it without protest. He was told that he would be detained as a prisoner, but that he could select his own quarters and servants. When he realized that he was not to be shot immediately, which he evidently expected, he asked to see the man who commanded the party that captured him. Accordingly, Sylvester was called forward, and Santa Anna thanked him profusely, saying that by bringing him to headquarters he had saved his life, which was not very far from the precise truth. Houston then informed Santa Anna that, as a preliminary to any negotiation, he must immediately order all the other Mexican troops to withdraw beyond the Colorado. Filisola, who was second in command, was still at Thompson's Ferry on the Brazos, with about fourteen hundred men, including the force of Gaona, which had finally found its way from Bastrop. Urrea was at Brazoria, with a thousand men, and two hundred more, under Colonel Salas, were at Columbia. Colonel Garcia and the detachment of one hundred men Cos had left at Harrisburg when he marched to join Santa Anna at San Jacinto, reached Filisola at Thompson's Ferry two days after the battle, and thus the news of the Texan victory was conveyed to the rest of the Mexican army. Without waiting for direct word from Santa Anna, Filisola immediately began to concentrate all the Mexican forces for a retreat from the line of the Brazos. But Santa Anna, having

in mind only his own safety, agreed readily to Houston's suggestion that he order Filisola to withdraw from the Anglo-American settlements without delay. Accordingly, he addressed the following dispatch to Filisola:

"Your Excellency:

"The small division under my immediate command having had an unfortunate encounter yesterday afternoon, I find myself a prisoner of war in the hands of the enemy, who have extended to me all possible consideration. Under these circumstances I recommend your Excellency to order General Gaona to march back to Béxar and await orders, as your Excellency will also do with the troops which are under your immediate command; at the same time warning General Urrea to retire with his division to Victoria; since I have agreed with General Houston upon an armistice pending certain negotiations which may put an end to the war forever."

The same afternoon Rusk sent a report of the battle of San Jacinto to President Burnet, who was still at Galveston island, it being understood that Houston would make a formal report later. Rusk's report to Burnet was as follows:

"I have the honor to communicate to you a brief account of a general engagement with the army of Santa Anna, at this place, on the 21st instant.

"Our army, under the command of General Houston, arrived here on the 20th instant. The enemy, a few miles off at Washington, apprised of our arrival, committed some depredations upon private property, and commenced their line of march to this point. They were unconscious of our approach until our standard was

planted on the banks of the San Jacinto. Our position was a favorable one for battle. On the noon of the 20th, the appearance of our foe was hailed by our soldiers with enthusiasm. The enemy marched in good order, took a position in front of our encampment, on an eminence within cannon-shot, where they planted their only piece of artillery, a brass nine-pounder; and then arrayed their cavalry and infantry a short distance on the right, under the shelter of a skirt of woods. In a short time they commenced firing upon us; their cannon in front, their infantry on the left, and their cavalry changing their position on the right. A charge was made on the left of our camp by their infantry, which was promptly repelled by a few shots from our artillery, which forced them to retire. I have the satisfaction of stating that only two of our men were wounded, one very slightly, the other, Colonel Neill, of the artillery, not fatally.

"The attack ceased; the enemy retired and formed in two skirts of timber and remained in that position, occasionally opening their fire upon us, until just before sunset, when they attempted to draw off their forces. The artillery and cavalry were removed to other points. Colonel Sherman, with sixty of our cavalry, charged upon theirs, consisting of upward of one hundred, killing and wounding several. Their infantry came to the assistance of their cavalry, and opened upon us an incessant fire for ten or fifteen minutes, which our men sustained with surprising firmness. Too much praise cannot be bestowed upon those who were engaged in this charge, for never was one of equal peril made with

more courage, and terminated with less loss. Two of our men were severely wounded, but none killed. This terminated the movements of the day.

"Early next morning, about nine o'clock, the enemy received a reinforcement of five hundred men, under the command of General Martín Perfecto de Cos, which increased their force to fourteen or fifteen hundred men. It was supposed that an attack upon our encampment would now be made; and, having a good position, we stationed our artillery, and disposed of the forces, so as to receive the enemy to the best advantage. At three o'clock, however, the foe, instead of showing signs of attack, was evidently engaged in fortifying. We determined, therefore, immediately to assail him; and, in half an hour, we were formed in four divisions: the first, intended as our right wing, composed of the regulars under Colonel Millard, and the second division, under Colonel Sidney Sherman, formed our left wing. A division, commanded by Colonel Burleson, formed our center. Our two six-pounders, under the command of Colonel Hockley, Captains Isaac N. Moreland and Stillwell, were drawn up on the right of the center division. The cavalry, under the command of Colonel Mirabeau B. Lamar, formed upon our right. At the command to move forward, all the divisions advanced in good order and high spirits. On arriving within reach of the enemy, a heavy fire was opened, first with their artillery on our cavalry. A general conflict now ensued. Orders were given to charge. Colonel Sherman's division moved up, and drove the enemy from the woods occupied by them on their right wing. At the same moment, Col. Burleson's division, together

with the regulars, charged upon and mounted the breastworks of the enemy, and drove them from their cannon, our artillery, the meanwhile, charging up and firing upon them with great effect. The cavalry, under Col. Lamar, at the same time fell on them with great fury and great slaughter. Major-General Houston acted with great gallantry, encouraging his men to the attack, and heroically charging, in front of the infantry, within a few yards of the enemy, receiving at the same time a wound in his leg.

"The enemy soon took to flight, officers and all, some on foot and some on horseback. In ten minutes after the firing of the first gun, we were charging through the camp, and driving them before us. They fled in confusion and dismay down the river, closely followed by our troops for four miles. Some of them took to the prairie, and were pursued by our cavalry; others were shot in attempting to swim the river; and in a short period the sanguinary conflict was terminated by the surrender of nearly all who were not slain in the combat. One-half of their army perished; the other half are prisoners, among whom are Gen. Santa Anna himself, Colonel Almonte, and many other prominent officers of their army. The loss of the enemy is computed at over six hundred slain, and above six hundred prisoners; together with a caballada of seven hundred mules taken, with much valuable baggage. Our loss, in point of numbers, is small, it being seven slain and fifteen wounded.

"This glorious achievement is attributed not to superior force, but to the valor of our soldiers and the sanctity of our cause. Our army consisted of seven

hundred and fifty effective men. This brave band achieved a victory as glorious as any on the records of history, and the happy consequences will be felt in Texas by succeeding generations. It has saved the country from a yoke of bondage; and all who mingled in it are entitled to the special munificence of the government, and the heartfelt gratitude of every lover of liberty.

"The sun was sinking in the horizon as the battle commenced; but, at the close of the conflict, the sun of liberty and independence rose in Texas, never, it is to be hoped, to be obscured by the clouds of despotism. We have read of deeds of chivalry, and pursued with ardor the annals of war; we have contemplated, with the highest emotions of sublimity, the loud roaring thunder, the desolating tornado, and the withering simoon of the desert; but neither of these, nor all, inspired us with emotions like those felt on this occasion. The officers and men seemed inspired by a like enthusiasm. There was a general cry which pervaded the ranks: 'Remember the Alamo!' 'Remember La Bahía!' These words electrified all. 'Onward!' was the cry. The unerring aim and irresistible energy of the Texas army could not be withstood. It was freemen fighting against the minions of tyranny and the result proved the inequality of such a contest.

"In a battle where every individual performed his duty, it might seem invidious to draw distinctions; but, while I do justice to all in expressing my high admiration of the bravery and gallant conduct of both officers and men, I hope I may be indulged in the expression of my highest approbation of the chivalrous conduct of Major James Collinsworth in almost every part of the

engagement. Colonel Hockley, with his command of artillery; Colonel Wharton, the adjutant-general, Major Cooke, and in fact all the staff officers; Colonels Burleson and Somervell on the right. Colonel Millard in the center, and Colonel Sherman, Colonel Bennett and Major Wells on the left, and Colonel Lamar on the extreme right, with the cavalry, led on the charge and followed in pursuit with dauntless bravery.

"All have my highest approbation. With such men, sustained as we shall be by the patriots and lovers of liberty in our mother country, hateful despotism cannot find a resting place for the sole of her foot on the beautiful plains of Texas! A volume would not contain the deeds of individual daring and bravery. Each captain has been required to make a report, and I hope justice will be done to all the brave spirits who mingled in the glorious achievement of yesterday.

"My aide-de-camp, Dr. Wm. Motley (late of Kentucky) fell near me, mortally wounded, and soon after his spirit took its flight to join the immortal Milam and others in a better world."

Houston did not complete his official report to President Burnet until three days later. It was dated April 25, and was as follows:

"I regret extremely that my situation, since the battle of the 21st, has been such as to prevent my rendering you my official report of the same, previous to this time.

"I have the honor to inform you that on the evening of the 18th inst., after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg. That evening a

BATTLE GROUND OF SAN JACINTO

courier of the enemy was taken, from whom I learned that General Santa Anna, with one division of choice troops, had marched in the direction of Lynch's Ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo bayou, below Harrisburg, on the morning of the 19th, having left the baggage, the sick and a sufficient guard in the rear. We continued the march throughout the night, making but one halt in the prairie for a short time, and without refreshments. At daylight we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that Santa Anna was at New Washington, and would that day take up the line of march for Anáhuac, crossing at Lynch's Ferry. The Texan army halted within half a mile of the ferry in some timber and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper's Point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took position with his infantry and artillery in the center, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double-fortified medium brass twelve-pounder, then opened on our encampment. The infantry, in column, advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six-pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from

which an occasional interchange of small-arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three-quarters of a mile from our encampment, and commenced fortifications. A short time before sunset our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing they received a volley from the left of the enemy's infantry, and after a sharp encounter with their cavalry, in which ours acted extremely well and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded and several horses killed. In the meantime, the infantry, under the command of Lieutenant-Colonel Millard, and Colonel Burleson's regiment with the artillery, had marched out for the purpose of covering the retreat of the cavalry, if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half-past three o'clock, taking the first refreshment that they had enjoyed in two days. The enemy in the meantime extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the center of the breastwork in which their artillery was placed, their cavalry upon their left wing.

"About nine o'clock on the morning of the 21st the enemy was reinforced by five hundred choice troops, under the command of General Cos, increasing their

effective force to upwards of fifteen hundred men, whilst our aggregate force for the field numbered seven hundred and eighty-three. At half-past three o'clock in the evening, I ordered the officers of the Texan army to parade their respective commands, having in the meantime ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me opportunity of making the arrangements preparatory to the attack, without exposing our designs to the enemy. The first regiment, commanded by General Burleson, was assigned the center. The second regiment, under command of Colonel Sherman, formed the left wing of the army. The artillery, under the special command of Col. George W. Hockley, Inspector-General, was placed on the right of the first regiment; and four companies of infantry, under the command of Lieut.-Col. Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by Colonel Mirabeau B. Lamar, whose gallant and daring conduct on the previous day had attracted the admiration of his comrades and called him to that station, placed on our extreme right, completed our line. Our cavalry was first dispatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and deploying from that point,

agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line and through an open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire of grape and canister.

"Colonel Sherman, with his regiment, having commenced the action upon our left wing, the whole line at the center and on the right, advancing in double-quick time, rung the war cry, 'Remember the Alamo!" received the enemy's fire and advanced within point blank shot before a piece was discharged from our lines. Our lines advanced without a halt, until they were in possession of the woodland and the breastwork, the right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action until we were in possession of the enemy's encampment, taking one piece of cannon (loaded), four stand of colors, all their camp equipage, stores and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they had arrived at the bridge which I have mentioned before, Captain Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war clubs, breaking many of

them off at the breech. The rout commenced at half-past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the encampment, and our army returned with their killed and wounded. In the battle, our loss was two killed and twenty-three wounded, six of them mortally. The enemy's loss was six hundred and thirty killed, among whom was one general officer, four colonels, two lieutenant-colonels, five captains, twelve lieutenants. Wounded, two hundred and eight, of which were: five colonels, three lieutenant-colonels, two second lieutenant-colonels, seven captains, one cadet. Prisoners, seven hundred and thirty; President-General Santa Anna, General Cos, four colonels, aides to General Santa Anna, and the colonel of the Guerrero battalion are included in the number. General Santa Anna was not taken until the 22d, and General Cos on yesterday, very few having escaped.

"About six hundred muskets, three hundred sabers and two hundred pistols have been collected since the action. Several hundred mules and horses were taken, and near twelve thousand dollars in specie. For several days previous to the action our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, illy supplied with rations and clothing; yet, amid every difficulty, they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity. There was no murmuring.

"Previous to and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured they de-

meaned themselves in such manner as proved them worthy members of the Army of San Jacinto. Colonel Thomas J. Rusk, Secretary of War, was on the field. For weeks his services had been highly beneficial to the army; in the battle he was on the left wing, where Colonel Sherman's command first encountered and drove the enemy. He bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

"I have the honor of transmitting herewith a list of all the officers and men who were engaged in the action, which I respectfully request may be published as an act of justice to the individuals. For the commanding general to attempt discrimination of those who commanded in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of such daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a luster from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their general. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader, whilst devastating our country."

The list of men who took part in the battle of San Jacinto, which Houston sent to Burnet with this report, is printed in full in the appendix of this volume. The return of killed and wounded showed that eight Texans laid down their lives in the battle, two being killed instantly and six dying from their wounds shortly after

the action. They were First Lieut. J. C. Hale, Second Lieut. George A. Lamb, Sergt. Thomas P. Fowl, Lemuel Blakely, J. Tom, R. R. Brigham, Dr. Wm. Motley and A. R. Stevens.

Besides Houston himself, those wounded in the battle were as follows: George Waters, James Counly, Wm. S. Walker, Capt. Jesse Billingsley, Logan Vandeveer, Washington Anderson, Calvin Page, Martin Walker, Capt. Mosely Baker, C. D. Anderson, Allen Ingram, Leroy Wilkinson, James Nelson, Mitchell Putnam, A. R. Stevens, J. Cooper, G. W. Robinson, Wm. Winters, Sergt. Albert Gallatin, E. G. Rector, Washington Lewis, Alphonso Steel, Capt. —— Smith, W. F. James and William A. Park. The two cavalrymen wounded in the skirmish on April 20 were Devereaux J. Woodlief and Olwyn J. Trask.

Santa Anna's report of the battle of San Jacinto, which formed a part of a general report to the Mexican government of his experiences in Texas, made a year later, was as follows:

"Early on the morning of the 19th, I sent Captain Barragán, with some dragoons, to a point on the Lynchburg road, three leagues distant from New Washington, in order that he should watch and communicate to me, as speedily as possible, the arrival of Houston; and, on the 20th, at eight o'clock in the morning, he informed me that Houston had just got to Lynchburg. It was with the greatest joy that all the individuals belonging to the corps, then under my immediate orders, heard the news; and they continued the march, already begun, in the best spirits.

"At my arrival, Houston was in possession of a wood

on the margin of Buffalo bayou, which, at that point, empties into the San Jacinto creek. His situation rendered it indispensable to fight; and my troops manifested so much enthusiasm, that I immediately began the battle. Houston answered our firing, but refused to come out of the cover of the wood. I wished to draw him into a field of battle suited to my purpose, and in consequence withdrew about one thousand yards' distance, to an eminence affording a favorable position, with abundance of water on my rear, a thick wood on my right, and a large plain on my left. Upon my executing this movement, the enemy's fire increased, particularly that of his artillery, by which Captain Fernando Urriza was wounded. About one hundred cavalry sallied out of the wood, and boldly attacked my escort, which was posted on the left, causing it to fall back for a few moments and wounding a dragoon. I commanded two companies of Cazadores to attack them, and they succeeded in repelling them into the wood.

"It was now five in the evening, and our troops wanted rest and refreshment, which I permitted them to take. Thus was the remainder of the day spent. We lay on our arms all night, during which I occupied myself in posting my forces to the best advantage, and procuring the construction of a parapet to cover the position of our cannon. I had posted three companies in the wood on our right, the permanent battalion of Matamoros formed our body of battle in the center, and on our left was placed the cannon, protected by the cavalry, and a column of select companies, under the orders of Lieutenant-Colonel Santiago Luelmo, which composed the reserve.

"On the 21st, at nine in the morning, General Cos arrived with four hundred men belonging to the battalions of Alameda, Guerrero, Toluca, and Guadalajara, having left one hundred men under the orders of Colonel Mariano García, with their loads, in a swampy place, near Harrisburg; and these never joined me. I then saw that my orders had been contravened; for I had asked five hundred select infantry, and they sent me raw recruits, who had joined the army at San Luis Potosí and Saltillo. I was highly displeased with this act of disobedience, and considered the new reinforcement as trifling, whereas I had before its arrival entertained well-founded hopes of gaining some decisive advantage with the new succor, which was to have given me the superiority of numbers. I disposed myself, however, to take advantage of the favorable disposition which I perceived in our soldiers on the arrival of General Cos; but the latter represented to me that having made a forced march in order to reach my camp early, his troops had neither eaten nor slept during twenty-four hours, and that while the baggage was coming up, which it would do within two more hours, it was indispensable to grant some refreshment to the soldiers. I consented to it, but in order to keep a watch over the enemy and protect the said baggage, I posted my escort in a favorable place, reinforcing it with thirty-two infantry, mounted on officers' horses. Hardly one hour had elapsed since that operation, when General Cos begged me, in the name of Don Miguel Aguirre, the commander of the escort, that I would permit his soldiers to water their horses, which had not drunk for twenty-four hours, and let the men take some refreshment. Being moved by

the pitiable tone in which this request was made, I consented, commanding at the time that Aguirre and his men should return to occupy their position as soon as they should have satisfied their necessities; and his disobedience of this order concurred in favor of the surprise which the enemy effected.

"Feeling myself exceedingly fatigued from having spent the whole morning on horseback, and the preceding night without sleep, I lay down under the shade of some trees, while the soldiers were preparing their meal. Calling General Castrillon, who acted as major-general, I recommended him to be watchful and to give me notice of the least movement of the enemy, and also to inform me when the repast of the soldiers would be over, because it was urgent to act in a decisive manner.

"I was in a deep sleep when I was awakened by the firing and noise; I immediately perceived we were attacked, and had fallen into frightful disorder. The enemy had surprised our advance posts. One of their wings had driven away the three companies posted in the wood on our right, and from among the trees were now doing much execution with their rifles. The rest of the enemy's infantry attacked us in front with two pieces of cannon, and their cavalry did the same on our right.

"Although the mischief was already done, I thought I could repair it, and with that view sent the battalion of Alameda to reinforce the line of battle formed by that of Matamoros, and organized a column of attack under the orders of Don Manuel Cespedes, composed of the permanent battalion of Guerrero, and the piquets of Toluca and Guadalajara, which moved to the front with

the company of Lieutenant-Colonel Luelmo, in order to check the advance of the enemy; but my efforts were vain. The line was abandoned by the two battalions that were covering it; and, notwithstanding the fire of our cannon, the two columns were thrown into disorder, Colonel Cespedes being wounded and Colonel Luelmo killed. General Castrillon, who ran to and fro to re-establish order in our ranks, fell mortally wounded; and the new recruits threw everything into confusion, breaking their ranks and preventing the veterans from making use of their arms, whilst the enemy was rapidly advancing with loud hurrahs, and in a few minutes obtained a victory which they could not, some hours before, even have dreamed of.

"All hopes being lost, and everyone flying as fast as he could, I found myself in the greatest danger, when a servant of my aide-de-camp, Colonel Don Juan Bringas, offered me his horse, and with the tenderest and most urging expressions insisted upon my riding off the field. I looked for my escort, and two dragoons, who were hurriedly saddling their horses, told me their officers and fellow-soldiers had all made their escape. I remembered that General Filisola was only seventeen leagues off, and I took my direction toward him, darting through the enemy's ranks. They pursued me, and after a ride of one league and a half, overtook me on the banks of a large creek, the bridge over which was burned by the enemy to retard our pursuit. I alighted from my horse and with much difficulty succeeded in concealing myself in a thicket of dwarf pines. Night coming on, I escaped them, and the hope of reaching the army gave me strength. I crossed the creek with the

water up to my breast and continued my route on foot. I found, in a house which had been abandoned, some articles of clothing, which enabled me to change my apparel. At eleven o'clock a. m., while I was crossing a large plain, my pursuers overtook me again. Such is the history of my capture. On account of my change of apparel, they did not recognize me, and inquired whether I had seen Santa Anna. To this I answered that he had made his escape; and this answer saved me from assassination, as I have since been given to understand."

So it was that Santa Anna attempted to shift to other shoulders responsibility for the disaster which his own egotistic over-confidence had brought upon him. In the meantime, however, he was a prisoner in the hands of the people he had sworn to exterminate or drive across the Sabine. And that circumstance made the battle of San Jacinto one of the decisive battles of history.

CHAPTER XLVII.

SANTA ANNA A PRISONER.

NEVER in history, perhaps, has a single event changed so radically the outlook of a people as the battle of San Jacinto changed the outlook of the people of Texas. They were in full flight toward the American border when the glorious news of Houston's victory and the capture of Santa Anna spread from mouth to mouth over the whole of East Texas and into Louisiana. There was a camp of the "runaways" on the banks of Buffalo bayou, near Harrisburg, and throughout the day of the battle, which they knew was impending, they waited in agony of suspense for news. Late in the afternoon they heard the booming of cannon, as it came faintly across the prairie, and the women in camp began to pray. "Towards sunset," writes Mrs. Terrell, in describing this scene, "a woman on the outskirts of the camp began to clap her hands and shout 'Hallelujah! Hallelujah!' Those about her thought her mad, but, following her wild gestures, they saw one of the Hardings, of Liberty, riding for life towards camp, his horse covered with foam, and he was waving his hat and shouting, 'San Jacinto! San Jacinto! The Mexicans are whipped and Santa Anna a prisoner!' The scene that followed beggars description. People embraced, laughed and wept and prayed, all in one breath. As the moon rose over the vast, flower-decked prairie, the soft southern wind

carried peace to tired hearts and grateful slumber." It was the first peaceful slumber they had enjoyed for weeks.

Similar scenes were enacted throughout the eastern section of Texas during the next several days. Horsemen carried the news from place to place, sometimes overtaking fugitives still on the road, and everywhere there was indescribable rejoicing. It reached Nacogdoches, then San Augustine and finally Natchitoches, Louisiana, where a great number of refugees were gathered. It reached companies of volunteers on their way from the United States to take part in the struggle, and they quickened their steps toward Houston's camp. On the coast, similar companies coming by sea were greeted with the tidings, and they broke into cheers. Schooners arriving at New Orleans brought the news to that city, and volunteers who had stopped there hurried their arrangements, and embarked at once for Texas. But, quickly as it traveled, it was really very slow in spreading over the country, judged by the standards of these days of telegraph and radio. It was not until May 16, nearly a month after the battle, that a messenger from General Gaines arrived in Washington and went directly to the White House to inform President Jackson. This messenger had left Natchitoches on the receipt by Gaines of the first news, which came in the form of a note, addressed to nobody in particular, but believed to have been scribbled by Houston, announcing the victory, and shortly after which a letter from Rusk arrived confirming it. These two communications were handed to Jackson by Gaines's messenger.

"I am not sure," wrote the messenger afterwards,

"that I ever saw a man more delighted than President Jackson appeared to be at the reception of these notes. If there had been a vacancy in the dragoons at that time I think he would have given it to me on the spot. He read both the notes over and over, but dwelt particularly upon that from Houston, exclaiming, as if talking to himself: 'Yes, that's his writing! I know it well! That's his writing! That's Sam Houston's writing! There can be no doubt of the truth of what he states!' Then he ordered a map, got down over it, and looked in vain for the unknown rivulet called San Jacinto. He passed his finger excitedly over the map in search of the name, saying: 'It must be there! No, it must be over there!' moving his finger round, but finally giving up the search."

Then there was such rejoicing among all classes in Washington, including officials of high and low degree, that the Mexican minister expressed himself as "astonished and shocked" at the "intemperate joy." Even John Quincy Adams, destined to be the chief enemy of Texas in congress, and who only a short time before had made a speech bitterly criticizing the administration for its instructions to Gaines on the border, wrote in his diary: "Glorious news from Texas that Santa Anna has been defeated and taken by Houston, and shot, with all his officers."

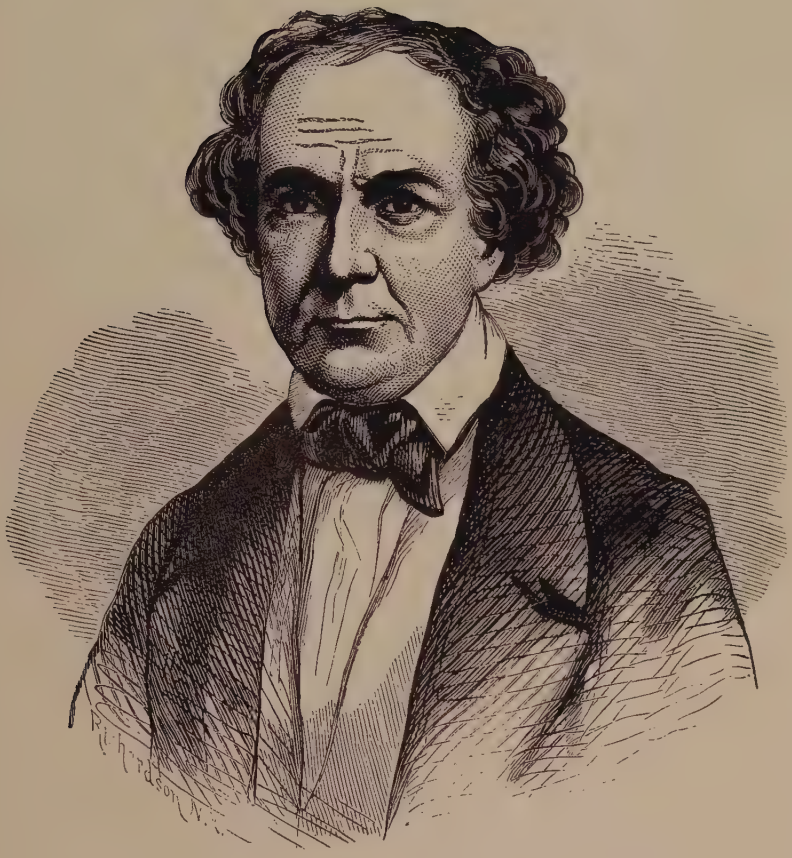
Stephen Austin and William H. Wharton received the news in New York, and began making arrangements immediately to return to Texas. To Austin it was glorious news indeed, for it meant that his dream of Americanizing Texas, which had been threatened with failure by the advance of the Mexican army and the flight

of the colonists, was now an assured realization. The course of "manifest destiny," which had moved timidly across the Sabine when his father made the lonely ride to San Antonio sixteen years before, was now assuming a triumphant stride.

Meantime, in Texas the government *ad interim* was negotiating with Santa Anna. The news of the battle of San Jacinto did not reach President Burnet on Galveston island until April 26, five days after it was fought, and it was not until May 5 that he arrived at the camp of the army, seven miles from the battlefield. Houston's wound had developed alarming symptoms, and it had been decided to send him to New Orleans for an operation. Burnet took charge of the negotiations with the prisoner, and Houston sailed from Galveston for New Orleans on May 11, arriving there on May 22. General Rusk, in the meantime, succeeded Houston as commander in chief. There was much feeling against Santa Anna among the soldiers, and it was not thought safe to keep him in their midst, so Burnet ordered his immediate removal to Velasco, at which place it had been decided to establish the seat of government. Here the negotiations were continued, and as a result two treaties, one public and the other secret, were signed with Santa Anna, in the capacity of president of Mexico, on May 14, by the terms of which hostilities were to cease and all Mexican troops be withdrawn from Texas, and Santa Anna was to be sent back to Mexico, where he would use his influence to have the independence of Texas recognized.

The "public" treaty was as follows:

"Articles of an Agreement entered into, between his



MIRABEAU B. LAMAR

Excellency David G. Burnet, President of the Republic of Texas, of the one part, and General Antonio López de Santa Anna, President, General in Chief of the Mexican army, of the other part.

"Art. 1. General Antonio López de Santa Anna agrees that he will not take up arms, nor will be exercise his influence to cause them to be taken up, against the people of Texas during the present war of Independence.

"Art. 2. All hostilities between the Mexican and Texan troops will cease immediately, both on land and water.

"Art. 3. The Mexican troops will evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte.

"Art. 4. The Mexican army in its retreat shall not take the property of any person without his consent and just indemnification, using only such articles as may be necessary for its subsistence in cases where the owner may not be present; and remitting to the Commander of the Army of Texas, or to the Commissioners to be appointed for the adjustment of such matters, an account of the value of the property consumed, the place where taken, and the name of the owner, if it can be ascertained.

"Art. 5. That all private property, including cattle, horses, negro slaves, or indentured persons, of whatever denomination, that may have been captured by any portion of the Mexican army, or may have taken refuge in the said army since the commencement of the late invasion, shall be restored to the Commander of the Texas

army, or to such other person as may be appointed by the Government of Texas to receive them.

"Art. 6. The troops of both armies will refrain from coming into contact with each other, and to this end the Commander of the army of Texas will be careful not to approach within a shorter distance of the Mexican army than five leagues.

"Art. 7. The Mexican army shall not make any other delay on its march than that which is necessary to take up their hospitals, baggage, etc., and to cross rivers; any delay not necessary to these purposes to be considered an infraction of this agreement.

"Art. 8. By express, to be immediately dispatched, this agreement shall be sent to General Vincente Filisola and to General T. J. Rusk, Commander of the Texas army, in order that they may be apprised of its stipulations, and to this end they will exchange engagements to comply with the same.

"Art. 9. That all Texan prisoners now in possession of the Mexican army or its authorities will be forthwith released and furnished with free passports to return to their homes, in consideration of which a corresponding number of Mexican prisoners, rank and file, now in possession of the Government of Texas, shall be immediately released. The remainder of the Mexican prisoners that continue in possession of the Government of Texas to be treated with due humanity; any extraordinary comforts that may be furnished them to be at the charge of the Government of Mexico.

"Art. 10. General Antonio López de Santa Anna will be sent to Vera Cruz as soon as it shall be deemed proper.

"The contracting parties sign this instrument for the above-mentioned purposes, by duplicate, at the Port of Velasco, this 14th of May, 1836.

"DAVID G. BURNET,
"ANTONIO LOPEZ DE SANTA ANNA.
"JAMES COLLINSWORTH,
Secretary of State.
"BAILEY HARDEMAN,
Secretary of the Treasury.
"P. W. GRAYSON, Attorney-General."

The secret agreement, which was signed at the same time, was as follows:

"PORT OF VELASCO, May 14th, 1836.

"Antonio López de Santa Anna, General in Chief of the Army of Operations, and President of the Republic of Mexico, before the Government established in Texas, solemnly pledges himself to fulfill the stipulations contained in the following articles, so far as concerns himself:

"Article 1. He will not take up arms, nor cause them to be taken up, against the people of Texas, during the present war for Independence.

"Art. 2. He will give his orders that in the shortest time the Mexican troops may leave the territory of Texas.

"Art. 3. He will so prepare matters in the Cabinet of Mexico, that the mission that may be sent thither by the Government of Texas may be well received, and that by means of negotiations all differences may be settled, and the Independence that has been declared by the Convention may be acknowledged.

"Art. 4. A treaty of comity, amity, and limits, will

be established between Mexico and Texas, the territory of the latter not to exceed beyond the Rio Bravo del Norte.

"Art. 5. The present return of General Santa Anna to Vera Cruz being indispensable for the purpose of effecting his solemn engagements, the Government of Texas will provide for his immediate embarkation for said port.

"Art. 6. This instrument being obligatory on one part, as well as on the other, will be signed in duplicate, remaining folded and sealed until the negotiations shall have been concluded, when it will be restored to His Excellency, General Santa Anna—no use of it to be made before that time, unless there should be an infraction by either of the contracting parties.

"ANTONIO LOPEZ DE SANTA ANNA.
"DAVID G. BURNET.
"JAMES COLLINSWORTH,
Secretary of State.
"BAILEY HARDEMAN,
Secretary of the Treasury.
"P. W. GRAYSON, Attorney-General."

It will be noted that not all of the members of President Burnet's cabinet signed these treaties. Mirabeau B. Lamar, who had succeeded Rusk as secretary of war, firmly refused to sign them, insisting that Santa Anna's promises were not worth the paper they were written on, and that the prisoner should not be released, but court-martialed and shot for the crimes he had committed. But a majority of the cabinet agreed with Burnet that the prisoner's life should be spared in any event,

out of respect for the opinion of the world, and that, whatever his pledges might be worth, they should be obtained.

Ben Fort Smith and Henry Teal were appointed to take a copy of the public treaty to Filisola, together with an order from Santa Anna that he carry out its provisions. Santa Anna's letter to Filisola, which was annexed to a copy of the treaty, was as follows:

"Your Excellency: Annexed I send to your Excellency the Articles of the Agreement entered into by me, with his Excellency David G. Burnet, President of the Republic of Texas, for your information and fulfillment of the same to its full extent, in order that no complaints may arise tending to cause a useless rupture. I expect to receive without any delay your Excellency's answer by this same opportunity, and accept in the meantime my consideration and regard. God and Liberty.'

Smith and Teal found Filisola at Goliad. He was in no mood to continue the war, for the four thousand men under his command in Texas were in a pitiful condition, being almost naked and on short rations. He was without supplies for a campaign and if the fighting had been continued his problem would have been to get his army out of Texas without a disaster as complete as that which had overtaken Santa Anna. Moreover, as soon as the Mexican Government learned of Santa Anna's plight, the most emphatic instructions were sent to Filisola to do nothing to endanger the prisoner's life. Filisola, therefore, received Smith and Teal cordially, and appointed commissioners to examine the treaty. The re-

sult was that it was ratified on behalf of the Mexican army, and on May 25 Filisola sent the following communication to Santa Anna:

"Your Excellency: When on the point of taking up my march with the army I have the honor to command, I received your Excellency's communication announcing the agreements made by your Excellency with the Commander of the Texan forces. Previous to the reception of those agreements I was disposed to obey your prior orders, communicated to me officially; in fulfillment of them I was already on my march, and continued therein on this very day; nor shall there be any other delay than what may be absolutely necessary for transporting the sick, trains, stores, and munitions of war, as is provided for in the treaty. Inasmuch as the said treaty is duly drawn up, agreed to, and ratified by your Excellency, in the character of President of the Republic, and Commander in Chief of the Army of Operations, I cannot fail to obey it in all its parts, and have acted in conformity since the commencement. For I have scrupulously performed that part respecting property, prisoners and payment of what has been furnished to the army for its subsistence. Agreeably to the treaty aforesaid, I will also enter into arrangement with the Commander of the Texan forces for a mutual fulfillment of its stipulations and adjustment of claims which may arise. God and Liberty."

Five days before this letter was written, the Mexican congress had enacted a law which provided that the executive branch of the government should not recognize "any stipulations with the enemy which the President while imprisoned has made or may make, which

stipulations shall be regarded as null, void and of no effect." At the same time it directed the President *ad interim* and the cabinet to take extraordinary steps to arouse the patriotism of the people, to recruit the army and to obtain the release of Santa Anna. It was not known in Texas, of course, that this action had been taken, but it is doubtful that knowledge of it would have changed the attitude of President Burnet and his associates. They recognized that if Santa Anna were executed it would have a very unfavorable effect upon the reputation of Texas abroad, and they feared that if he were detained there would be danger of his assassination.

However, when it became known that it was proposed to release Santa Anna it caused great excitement among the people and in the army. The army had been moved to Victoria, in order to insure the prompt evacuation of the country by the Mexicans. It had grown to about two thousand men, in spite of the fact that a great many of the colonists who had participated in the battle of San Jacinto had left for the purpose of reestablishing their homes. It was now composed almost entirely of volunteers from the United States, most of whom had arrived during the previous thirty days. To provide for this force adequately had become a big problem for the government *ad interim*, for the devastated condition of the country and the lack of resources made it doubly difficult to obtain provisions. Practically all provisions had to be obtained outside the country and the number in the army had increased more rapidly than the facilities for supplying them. To add to these difficulties, a series of accidents had delayed shipments of provisions

to the army, and in consequence the men had suffered some privation. It was quite natural, perhaps, that among such men this condition of affairs would engender discontent and that criticism of President Burnet and his cabinet should be expressed. In any event such discontent did develop and had about reached the stage of drawing up a formal protest when the news was noised about the camp that the government intended to release Santa Anna. A mass meeting was held and a long memorial, protesting against the privations the soldiers had been compelled to undergo, blaming the government for this condition, and finally denouncing in unmeasured terms the proposal to release Santa Anna, was adopted by the army. On the subject of Santa Anna the memorial, which was addressed to President Burnet, declared that the army had heard with indignation "that the proposition has been seriously debated by you and your cabinet as to the policy of turning him loose, and that some of you propose his liberation. That we should suspect the purity of the motive which suggested such a policy, you must not doubt. It is well known by whom he was captured, and at what risk, and we will not permit him to be liberated until a Constitutional Congress and President shall determine that it is expedient; and should he be liberated without the sanction of Congress, the army of citizen soldiers will again assume the privilege of putting down the enemies of Texas."

Before Burnet received this communication, however, and while the army was marching toward Goliad in the wake of the Mexican army which was being withdrawn, arrangements were completed to send Santa

Anna to Vera Cruz in accordance with the treaties. It was decided that Lorenzo de Zavala and Bailey Hardeman should accompany him, as commissioners of the Texas government to negotiate a treaty, and with this plan in view Santa Anna was taken on board the schooner *Invincible* on June 1. When he regarded himself as practically at liberty, Santa Anna, always an actor, wrote a message of farewell to the Texas army, and caused a number of copies of it to be made and circulated. This curious document read as follows:

"My Friends: I know that you are valiant in war and generous after it; rely always on my friendship and you will never regret the consideration you have shown me. Upon my returning to the land of my birth, thanks to your kindness, accept this sincere farewell from your grateful

"ANTONIO LOPEZ DE SANTA ANNA."

For some reason the departure of the *Invincible* was delayed until June 3, and meantime it became known among the people of Velasco that Santa Anna was on board and was to be sent to Vera Cruz and liberated. Great indignation was expressed by some of the people, and there was talk of preventing his departure. A mass meeting was held and resolutions adopted demanding that the prisoner be brought back to shore. This disturbed President Burnet and the members of his cabinet considerably, but it was determined to carry out the original plan. Just before the *Invincible* was about to sail, however, the steamer *Ocean* arrived at Velasco from New Orleans, with two hundred and fifty American volunteers on board, under the nominal command

of T. Jefferson Green. Incidentally, among the passengers who were arriving for the first time in Texas were J. Pinckney Henderson and Memucan Hunt, both of whom were destined to figure prominently in the history of the new commonwealth. When the volunteers on the *Ocean* learned the condition of affairs, Green took charge of things and forbade the *Invincible* to sail. Santa Anna was seized by Green and his followers and taken ashore, and as this procedure had the support of most of the people at Velasco, President Burnet was powerless to interfere. While things were in this state, the memorial of the army was handed to President Burnet, insisting that Santa Anna be held until after a new administration could be installed, so Green was made responsible for the prisoner and there the matter rested for the time being.

In this confused situation all the members of the cabinet threatened to resign. They proposed to Burnet that he join them in making a simultaneous surrender of the government to the people, "the fountain of all political power." But he opposed this vigorously, pointed out that "an abandonment at such a juncture would throw Texas into irretrievable anarchy and confusion." Recognizing the truth of this, and being inspired by the firmness of their president, Burnet's associates decided to "stick by their guns," in spite of the fact that they were being denounced on all sides. Without a moment's delay, Burnet proceeded to draw up a reply to the memorial of the army, going into detail patiently in explaining the difficulties the government had encountered in getting supplies to the men, and fearlessly defending its course in deciding to release

Santa Anna. He pointed out that Santa Anna had surrendered as a prisoner of war, had been received as such by the commander in chief, that a treaty had been made with him, that in accordance with this treaty the Mexican forces were withdrawing from Texas, and that Santa Anna was performing part of its stipulations. He declared that although Santa Anna had been called a murderer, he knew of no principle of international or civil law upon the basis of which the courts, civil or military, of one belligerent nation might try the commander in chief of the army of another nation for his official acts. Moreover, even if such a principle could be cited, the Texas government was barred from acting upon it by the military convention agreed to between the prisoner and General Houston, the commander in chief of the Texas army, before Santa Anna was turned over to the government. Suppose Santa Anna should violate his pledges, he asked, and return to Texas at the head of an army? "There is not a soldier in the Texan ranks," he declared, "that would not as soon confront him as the meanest caitiff of his nation. Who and what is he more than any other Mexican chief?" The desire to retaliate for the crimes committed at Santa Anna's orders, he said, was natural. "Had Santa Anna never been received as a prisoner, and had no treaty been made and actually ratified," Burnet concluded, "he might, on the clearest principles of retribution, have been made the victim of his own vindictive and barbarous policy." But in view of Santa Anna's surrender as a prisoner of war and the agreements made with him by Houston, before he was turned over to

the government, "it would be a gross violation of every principle of honor, and every rule of war, to visit such retribution upon him."

This reply was completed and dispatched to the army on June 4, the day following the receipt of the memorial. But meantime the army had gone through an experience which aroused the resentment of the men against Santa Anna to the highest pitch. Having gone to Goliad to see that the withdrawal of the Mexicans from that place had been carried out in due order, the army, at General Rusk's orders, paid a last sad tribute to the remains of the men who had been massacred with Fannin. The charred bodies of these martyrs were reverently collected to be buried together in a single grave, and a military funeral was held on July 3, the very day that Santa Anna was taken from the *Invincible* by Green and his followers. With Col. Sidney Sherman in command, a procession was formed by the Texas soldiers and, amid the firing of salutes and the strains of solemn music, they marched to the grave. Here General Rusk made a brief address, paying a tribute to the Goliad martyrs who had consecrated the soil of Texas with their blood, and the unrecognizable bodies were placed in the grave by tender hands. The men were stirred to the very depths by the ceremony, and if they could have laid hands on Santa Anna at that moment there can be no doubt as to what his fate would have been. The next day the last detachment of Mexican soldiers from San Antonio, under General Andrade, halted before reaching Goliad, and sent a messenger to General Rusk to request that he be permitted to pass through the town on his way to join Filisola at San Patricio. Under the

terms of the treaty with Santa Anna five leagues had been fixed as the distance which should be kept between the Mexican troops and the Texans at all times until the evacuation was completed. General Andrade asked that this provision be waived in this instance. Rusk promptly refused the request, saying that if any part of the Mexican army came within sight of his men, with the memory of the ceremony of the previous day fresh in their minds, he would not be responsible for what would happen. Accordingly, Andrade found it necessary to make a wide detour of Goliad, marching over a trackless prairie in doing so.

It was in such a mood that President Burnet's reply found the army, and meantime the excitement over the attempt of the government to send Santa Anna back to Mexico continued to spread. The news of what had happened at Velasco on June 3 reached the army about the same time as President Burnet's communication, and general indignation was expressed among the men. A similar feeling was spreading among the people also, and for a time it seemed certain that Santa Anna's life would pay the penalty of his crimes. It was proposed to send the prisoner to Goliad and there, on the very ground that so many of the victims of his policy of extermination had moistened with their blood, to execute him. Only the firmness of President Burnet prevented something of this kind being done, and at the same time it took all of his energy and constant persuasion to keep the government together.

Meantime, to add to Burnet's other perplexities, Santa Anna, on June 9, sent a formal protest to him

against the treatment he had received, contending that the treaties had been violated.

The text of this protest was as follows:

"I protest against the violation of the faith engaged in the agreement made between myself and the government of Texas, signed the 14th day of May, and commenced verbally with the General in Chief of the army of Texas, Sam Houston, and Thomas J. Rusk, Secretary of War.

"1st. For having been treated more like an ordinary criminal than as a prisoner of war, the head of a respectable nation, even after the agreements had been commenced.

"2nd. For the treatment as a prisoner of war and ill-usage received by the Mexican General Adrian Woll, who had come into the Texan camp with a flag of truce; under the safeguard and word of honor of General Houston, and with the consent of the members of the cabinet.

"3rd. Against the non-fulfillment of the exchange of prisoners, stipulated in the ninth article, inasmuch as up to the present time, not even one Mexican prisoner of war has been set at liberty, notwithstanding the liberty given to all the Texans in possession of the army under my command.

"4th. Because the *sine qua non* of the tenth article, as follows, has not been carried into effect; which is, that I shall be sent to Vera Cruz, when the government shall deem it proper; whereas, the President himself and the cabinet of Texas, being convinced that I had fulfilled all my engagements, viz., that the Mexican army, four thousand strong, should retreat from the po-

sition it occupied on the Brazos to beyond the Rio Grande; that all property should be given up, also the prisoners of war—had determined on my embarkation on the Texan schooner of war, the *Invincible*, in which I finally did embark on the 1st of June inst., after addressing a short farewell to the Texans, wherein I thanked them for their generous behavior, and offered my eternal gratitude.

"5th. For the act of violence committed on my person, and abuse to which I have been exposed, in compelling me to come again on shore, on the 4th inst., merely because one hundred and thirty volunteers, under the command of General Thomas J. Green, recently landed on the beach at Velasco from New Orleans, had, with tumults and with threats, requested that my person should be placed at their disposal.

"Finally, I protest against the violence kept up towards me, by being placed in a narrow prison, surrounded with sentinels, and suffering privations which absolutely render life insupportable, or tend to hasten death; and finally, for being uncertain in regard to my future fate, and that of the other prisoners, notwithstanding a solemn treaty."

President Burnet replied to this protest promptly the next day. He expressed regret that circumstances had compelled the government to change the time at which it would be deemed proper to return Santa Anna to Vera Cruz, but reminded the prisoner that the cause of this change was the deep, intense and righteous indignation which the citizen soldiers felt over the atrocities which had been committed against the Texans by his own command. The charge with respect to Woll, a Swiss

in the Mexican service who had been detained by the army under suspicion of being a spy, President Burnet dismissed by pointing out that Woll himself was chiefly to blame for the incident, and that the government was doing everything to have him restored to the Mexican army. Burnet denied official knowledge of any Texan prisoners having been released, but on the other hand pointed out that several Mexican prisoners had been given their liberty and sent to New Orleans. As to the hardships complained of by Santa Anna, Burnet declared that the prisoner had received as good accommodations as the country afforded in the circumstances. "I have cheerfully subjected my own sick family to many hardships," he wrote, "in order to render your Excellency the best accommodations in our power. That we are at present destitute of the necessaries of life, is mainly attributable to your Excellency's visit to our new country, and on this account we feel less regret that you should partake of our privations."

Considering the provocation, this reply of Burnet's was temperate in the extreme, for Santa Anna had Burnet to thank for the circumstance that he was alive at all, and at the very moment the prisoner was complaining the president was being universally criticized for showing him too much consideration. Among the soldiers the feeling against Burnet became more intense from day to day, and every fancied slight of their needs by the government served to increase the intensity of this feeling. At this juncture a new complication arose which for a time threatened to create a very critical situation. Two commissioners who had been sent by General Rusk to Matamoros, to which place the Mexican

army under Filisola had withdrawn, charged with the duty of arranging some of the details of carrying out Santa Anna's public treaty with the Texans, were thrown into prison, and they managed to get a dispatch through to their commander reporting their plight. They said that the Mexican government had dismissed Filisola from command of the army and put Urrea in his place; that it had refused to recognize any agreements made by Santa Anna and had instructed Urrea to begin a new invasion of Texas at once. Urrea had four thousand men at Matamoros, they said, and was about to advance into Texas again. This caused great excitement, and for a time preparations were made to meet a new invasion.

The effect of this news in the army was to increase the feeling against both Santa Anna and Burnet. Burnet was denounced as an enemy of the country, and it was urged that Santa Anna should be removed to the army and tried before a military court. Finally a secret meeting was held by the army and it was decided to arrest Burnet, seize the government and put Santa Anna on trial for his life. This proposal was nothing short of a project to have the army take complete possession of the country and establish a military dictatorship. Lieutenant-Colonel Henry Millard was delegated to go to Velasco, take Burnet in custody and bring him to the camp for trial as an enemy of the country. Millard selected a few men whom he regarded as absolutely trustworthy and set out for Velasco, intending to keep the object of his mission a secret. At Quintana, however, one of these men got drunk and boasted that he and his companions were on their way to arrest the presi-

dent. At the same time Millard met Major A. Turner, an officer in his own regiment, at Quintana, and at once enlisted his services in the enterprise. As Turner's superior officer, he issued a formal order directing him to make the arrest. "You are hereby ordered," read this order, "to proceed to Velasco, and arrest the person of David G. Burnet; take into your possession the books and papers of his office; and you will also take into your possession the books, papers and records of the Secretaries of State, of War, and of the Treasury, and them safely keep, and report forthwith."

To Turner the whole business appeared to be a near approach to treason, and instead of obeying the order he managed to inform Burnet of the plan to arrest him. Meantime, the story of the drunken member of Millard's party got abroad among the people, and its effect was to cause a revulsion of feeling in favor of the president. It awakened the people to the danger of a military dictatorship. There already had been complaints from the people that armed bands of private soldiers were seizing their property under the guise of "impressment," and inasmuch as few people had very much of anything, these seizures had caused great hardship. A considerable number of the men in the army were newcomers, and new companies were constantly arriving from the United States. People were beginning to ask where it was all going to stop and whether the new arrivals were to be permitted to overrun the country entirely. When it became known that the army had actually projected the arrest of the president and the seizure of the government, it caused great indignation, especially among the old settlers. They rallied to the

president's support, determined to defend him against any odds. It happened also that a company of volunteers, known as the Buckeye Rangers, had just arrived at Velasco from Cincinnati, and these men had been entertained by President Burnet's brother at the Ohio metropolis before their departure for Texas. They had been welcomed by the president on their arrival, and in all the circumstances they had a feeling of personal attachment toward him. Accordingly, when they heard the report of the projected arrest of Burnet they placed themselves at his disposal at once. Millard, therefore, found Burnet warned and ready for him when he arrived on the opposite side of the river from Velasco. It is said that some of Burnet's partisans sent him word that any attempt to arrest the President might result in a lynching party. So he abandoned the project for the time being and returned to camp to report his failure.

Meantime, Stephen F. Austin, William H. Wharton and Dr. Branch T. Archer returned to Texas late in June, and a week later Sam Houston also returned. All of these men were strongly opposed to executing Santa Anna, and their influence was brought to bear to strengthen public opinion against such a course. But the excitement over the report of a new invasion under Urrea was still at its height, and it was intensified by a new report that Mexican agents were among the Cherokee Indians in Northeast Texas endeavoring to obtain their cooperation in this movement. Austin at once started a counter move. He went to see Santa Anna, who had been moved to Columbia during the excitement, and informed him that the invasion under Urrea

was a violation of the treaties, and that it might ultimately endanger the prisoner's life. This visit was part of a plan which he had formed to checkmate Urrea. He proposed to frustrate the effort to involve the Indians by having an American army introduced into Texas on the ground that this move of the Mexicans was a violation of the treaty between the United States and Mexico. He induced President Burnet to write to General Gaines suggesting to him that the activity of the Mexican agents among the Cherokees warranted the sending of American troops to Nacogdoches, and expressing the opinion that such a move would be sufficient to keep the Indians quiet. He now proposed to Santa Anna that he write to Urrea, ordering him to abandon the proposed invasion, and at the same time write to President Jackson requesting that the United States take steps to have the Mexican government recognize the treaties he had made with the Texans and thus prevent the resumption of the war. Santa Anna wrote both letters willingly. He recognized that a new invasion might cost him his life, and, whether sincerely or not, he professed to believe that it was useless for Mexico to continue the war. He expressed this latter opinion very forcibly in the letter to Urrea, and suggested that the Mexican forces should halt at some convenient place until the whole matter could be settled by diplomacy. If this course were followed, he said, the Texans would release him shortly and he would be enabled to join Urrea and proceed with him to the capital. He promised Urrea that when he returned to Mexico he would protect him against the consequences of any

disobedience of the orders of the central government. This letter was dispatched to Urrea immediately.

Santa Anna's letter to President Jackson was turned over to Austin, who forwarded it to Houston at San Augustine, where the latter had stopped. Austin solicited Houston's assistance in the whole plan to prevent the Mexican invasion and to obtain the cooperation of the United States, and especially in urging General Gaines to send a force to Nacogdoches. He wrote to Gaines on the subject also, mentioning the proposal which was being made to Jackson by Santa Anna, and he suggested that if Gaines would send a force to Nacogdoches, and at the same time announce that the treaties must be carried out, this would be sufficient to reassure the mass of the people of Texas, and would make it possible to send Santa Anna back to Mexico at once and thus open the way to peace on a basis of the independence of Texas.

The immediate effect of this effort by Austin was to head off the Mexican invasion and to keep the Indians quiet. For, while reports were in circulation for some time that Urrea had already crossed the Rio Grande and was moving toward the Nueces, the fact is that he did not stir from Matamoros. And although Gaines replied that he was without any authority to say anything with respect to Santa Anna's treaties, in view of the representations of Austin and Houston that Mexican agents were inciting the Cherokees, he sent a force of three hundred and twenty-four men to Nacogdoches. This action was within the scope of his instructions from the secretary of war, and, incidentally, it subsequently caused a long wrangle between the American and Mexi-

can governments and resulted finally in the Mexican minister at Washington asking for his passports and leaving for home.

Austin's purpose in sending Houston the letter Santa Anna had written to President Jackson, was to have him forward it to Jackson through Gaines, and to add a personal word in regard to the situation, inasmuch as Jackson was known to be a warm friend of Houston's. Houston promptly cooperated in this plan, and the letter was forwarded accordingly. The full text of this letter was as follows:

"COLUMBIA, IN TEXAS, July 4, 1836.

"His Excellency General Andrew Jackson,

"President of the United States of America.

"Much Esteemed Sir:

"In fulfillment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of 6,000 Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as you may have already learned. The disposition evinced by General Samuel Houston, the commander in chief of the Texan army, and by his successor, General Thomas J. Rusk, for the termination of the war; the decision of the President and cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies inclosed, and the orders given by me to General Filisola, my second in command, to retire from the river Brazos, where he was posted, to the other side of the river Bravo del Norte.

"As there was no doubt that General Filisola would religiously comply, as far as concerned himself, the President and cabinet agreed that I should set off for Mexico, in order to fulfill the other engagements, and with that intent I embarked on board the schooner *Invincible*, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have me landed by force and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early in last month; and in consequence of it the government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the army from General Filisola and has ordered his successor, General Urrea, to continue its operations, in obedience to which order that general is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation and of my going to Mexico according to the convention; but the excitement of the public mind has increased with the return of the Mexican army to Texas. Such is the state of things here at present.

"The continuation of the war and of its disasters is therefore inevitable unless the voice of reason be heard in proper time from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this government, I was convinced that it was useless for Mexico to continue the war. I have

acquired exact information respecting this country which I did not possess four months ago. I have too much zeal for the interests of my country to wish for anything which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death rather than consent to any compromise if Mexico could thereby have obtained the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation. That conviction alone determined me sincerely to agree to what has been stipulated, and in the same spirit I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part. Afford me the satisfaction of avoiding approaching evils and of contributing to that good which my heart advises. Let us enter into negotiations by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world, and who, under the protection of the two nations, will attain its object within a few years.

"The Mexicans are magnanimous when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

"By what I have here submitted you will see the sentiments which animate me, and with which I remain, your humble and obedient servant,

"ANTONIO LOPEZ DE SANTA ANNA."

Copies of the two treaties were enclosed with this letter so that President Jackson might have before him the text of the pledges which Santa Anna had made, even in the secret treaty. The Mexican minister at Washington, however, had already officially notified the American secretary of state of the action of the Mexican congress in decreeing that no agreements of any character made by Santa Anna while a prisoner would be recognized, and this presented a difficulty which stood in the way of a compliance by Jackson with Santa Anna's request. When the communication finally reached Washington, Jackson had gone to his home in Tennessee to rest, and the matter was delayed until it could be forwarded to him.

Meantime Santa Anna was moved to the plantation of James A. E. Phelps, at a point on the Brazos, some distance above Columbia, known as Orozimbo, and was placed in charge of Capt. William H. Patton, as the representative of the army. He thus became the prisoner of the army and the army was made responsible for his safety. The feeling in the army, however, had not been allayed, and for a time apprehension was felt that the plan to try him and execute him might still be carried out. It was Houston who finally insured the safety of the prisoner, for, when he learned of the plan, he immediately wrote a strong letter to General Rusk, expressing absolute disapproval of such a move. Houston did not hear of this matter until July 26, for he had returned to Texas by way of Natchitoches, arriving at San Augustine on July 5, and had remained at that place. But when he did hear of it, he acted immediately.

"I have just heard through a citizen of the army," he wrote Rusk, "that it is the intention to remove General Santa Anna to the army, and place him upon his trial. I cannot credit this statement; it is obviously contrary to the true policy of Texas. The advantages which his capture presented to us will be destroyed. Disregard, if you will, our national character, and place what construction you please upon the rules of civilized warfare, we are compelled by every principle of humanity and morality to abstain from every act of passion and inconsideration that is unproductive of positive good. Execute Santa Anna, and what will be the fate of the Texans who are held prisoners by the Mexicans? What will be the condition of the North Americans residing within the limits of Mexico? Death to them and confiscation of their property is the least that can be expected. Doubtless torture will be added to the catastrophe, when stimulated by ignorance, fanaticism, and the last expiring struggle of the priesthood for power and dominion. Texas, to be respected, must be considerate, politic, and just in her actions. Santa Anna living, and secured beyond all danger of escape, in the eastern section of Texas (as I first suggested) may be of incalculable advantage to Texas in her present situation. In cool blood to offer up the living to the manes of the departed only finds an example in the religion and warfare of savages. Regard for one's departed friends should stimulate us in the hour of battle, and would excuse us in the moment of victory for partial excesses, at which our calmer feelings of humanity would relent.

"The affairs of Texas, as connected with Santa Anna as President of the Republic of Mexico, have become

matter of consideration to which the attention of the United States has been called, and for Texas, at this moment, to proceed to extreme measures, as to the merits or demerits of General Santa Anna, would be treating that government with high disrespect, and I would respectfully add, in my opinion, it would be incurring the most unfortunate responsibility for Texas.

"I, therefore, Commander in Chief of the army of the Republic, do solemnly protest against the trial, sentence, and execution of General Antonio López de Santa Anna, President of the Republic of Mexico, until the relations in which we are to stand to the United States shall be ascertained."

This letter had the effect of putting a stop to the agitation in the army with respect to the fate of Santa Anna. When the attitude of Houston became generally known it served as an absolute reply to any criticism of the course of the government in sparing the prisoner. Moreover, when General Gaines heard of the incident he wrote immediately to Houston, commending him warmly, in order to render moral support to him in the stand he had taken. "No inconsiderable portion of your fame, resulting from the late campaign, the great victory at San Jacinto," he wrote, "will be found in the magnanimity and moral courage displayed by you in preserving the lives of your prisoners, and more especially the life of President Santa Anna, when taken in connection with the great provocation given in his previous conduct at the Alamo and at Goliad. The government and the infant republic of Texas will derive imperishable fame from their and your forbearance in this case. All civilized and enlightened men, in all time

and geographical space, will unite in filling the measure of glory and honor due for such magnanimity, forbearance and humanity."

In the course of a few weeks the feeling became general among the people of Texas that the policy of sparing Santa Anna's life was a wise and correct policy, but it was also generally agreed that he should be held until a constitutional government was installed. During the month of August a plot to rescue the prisoner, hatched by the Mexican consul at New Orleans, was discovered, and Santa Anna, Almonte and the others of his party, were placed in irons as an extra precaution. Meantime, the reply of Jackson to Santa Anna's letter was anxiously awaited. When it came, however, it proved to be an absolute refusal to comply with the prisoner's request, on the ground that to do so would be an unwarranted interference in the internal affairs of Mexico. Jackson wrote from the Hermitage on September 4, as follows:

"General Antonio López de Santa Anna.

"Sir: I have the honor to acknowledge the receipt of your letter of the 4th day of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texas frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated is calculated

to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico in her domestic as well as her foreign relations.

"The Government of the United States is ever anxious to cultivate peace and friendship with all nations; but it proceeds on the principle that all nations have the right to alter, amend, or change their own government as the sovereign power—the people—may direct. In this respect it never interferes with the policy of other powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations or remove the causes of misunderstanding is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

"In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the communication made to us through the Mexican minister from considering it. That government has notified us that as long as you are a prisoner no act of yours will be regarded as binding on the Mexican authorities. Under these circumstances it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more

pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war and in substituting in their stead the blessings of peace is a divine privilege. Every government and the people of all countries should feel it their highest happiness to enjoy an opportunity of thus manifesting their interest in the general principles which apply to them all as members of the common family of man.

"Your letter, and that of General Houston, commander in chief of the Texas army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the meantime I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken and can add to the number of those scenes of bloodshed which have already marked the progress of their contest and have given so much pain to their Christian friends throughout the world.

"This is sent under cover to General Houston, who will give it a safe conveyance to you.

"I am, very respectfully, your obedient servant,

"ANDREW JACKSON."

In transmitting this letter to Houston, Jackson was aware of the possibility that the failure of Santa Anna's proposal might endanger the prisoner's life, and he took occasion to caution Houston on this point. A report of the decision of the army to try Santa Anna before a military court had just reached him, without the addi-

tional information that the project had been abandoned. He expressed himself very strongly, therefore, in disapproval of any such move.

"I take the liberty," he wrote Houston, "of offering a remark or two upon a report which is current here, that Santa Anna is to be brought before a military court to be tried and shot. Nothing could tarnish the character of Texas more than such an act as this. Sound policy as well as humanity approved the policy which spared his life. . . . His person is still of much consequence to you. He is the pride of the Mexican soldiers, and the favorite of the priesthood. While he is in your power, the difficulties of your enemy in raising another army will be great. The soldiers of Mexico will not willingly march into Texas, when they know that their advance may cost their favorite general his life. Let not his blood be shed unless imperious necessity demands it, as a retaliation for future Mexican massacres. Both wisdom and humanity enjoin this course in relation to Santa Anna."

By this time the policy of "wisdom and humanity" had been generally accepted in Texas as the correct one. Santa Anna continued to be detained as a prisoner, pending the installation of the permanent government, which had just been elected. What his ultimate fate would be that government would decide.

CHAPTER XLVIII.

HOUSTON TAKES THE REINS.

On July 23, 1836, President Burnet issued a proclamation calling an election on the first Monday in September for the purpose of choosing a president, a vice-president and the members of the first congress, and also submitting to a vote of the people the draft of the constitution for ratification and the question of whether or not Texas should seek annexation to the United States. Burnet had previously taken two important steps toward substituting peaceful civil government for the state of war. On July 12 he had issued a proclamation forbidding the further impressment of private property by the army, and two days later he had revoked all commissions held by persons not actually in active service in the army or navy. The proclamation for the election provided that the first congress, to be composed of fourteen senators and twenty-nine representatives, should assemble on Monday, October 3, 1836, in the town of Columbia.

With only six weeks intervening between the issuance of this proclamation and the date fixed for the election, the problem of selecting the first constitutional officials of the new republic became the all-absorbing interest of the people. A movement was started at once among the "old-timers" to have Stephen Austin stand for the presidency. William H. Wharton and Branch

T. Archer, who had been Austin's associates on the mission to the United States, took the lead in this movement, and urged upon him to permit his name to be presented to the people. Austin was in feeble health and he had been outside of Texas on public business almost constantly for three years. His private affairs had been woefully neglected, and he desired to devote his attention to them. But it was represented to him that the situation demanded his presence at the head of the new government, that it would inspire confidence in Texas abroad, especially in the United States, and would further the prospects of having the independence of Texas recognized by the leading nations of the world. Austin yielded to these importunings with reluctance. If he had had a better appreciation of the state of the public mind in Texas at that moment, and had foreseen some of the developments of the campaign, it is doubtful whether he would have consented to be a candidate. Austin had been away from the country for so long that a large percentage of the people did not know him at all, and in spite of his past services to Texas, his name had been associated in the public mind chiefly with opposition to a declaration of independence just prior to his leaving on his mission to the United States. It had been his habit, however, to respond to every call to the public service, and he finally issued a formal statement to the effect that he would accept the office if elected. "Influenced," he said, "by the great governing principle that has regulated my action since I came to Texas, which is to serve this country in any capacity in which the people may think proper to employ me, I shall not

decline the highly responsible and difficult one now proposed, should a majority of my fellow-citizens elect me."

Henry Smith, who had been provisional governor during the period prior to the adoption of the declaration of independence, was also brought forward as a candidate by his friends, and for a time it appeared that the old factions were to be revived. But in the meantime the people of East Texas began a movement for the elevation of Sam Houston, the "hero of San Jacinto," to the presidency. Large and enthusiastic public meetings were held at San Augustine, Nacogdoches and elsewhere, at which Houston was formally nominated, and at Columbia a big rally, at which delegations from other municipalities were present, was held and the nomination ratified. There were nearly two thousand men in the army, most of them volunteers from the United States, and they were almost unanimous for Houston. In a very short time, therefore, it became clear that he was the overwhelming choice of the people. Many men who criticized him severely during the period of the "runaway scrape," were now enthusiastic in his support. The battle of San Jacinto had made such a difference in the outlook for Texas that almost everything which had happened prior to that event was obscured.

In spite of the practical certainty of Houston's election, Austin determined to let the people decide the issue, and he did not withdraw his name. He made no campaign, however, and busied himself with the activities already described in an effort to insure the validity of the treaties made by Santa Anna and to have Amer-

ican troops stationed at Nacogdoches. But some of the partisans of Houston were not content with the bright outlook for their candidate, and soon stories of the wildest character against Austin were in circulation. He was charged with having been "pro-Mexican" throughout the whole of his residence in Texas, and other charges, absolutely groundless, but which need not be revived, were made against him. Finally, Austin felt that it was necessary to take notice of these charges, not with any hope of winning the election, but because he felt that his silence might be misconstrued by people not acquainted with the facts. Accordingly, in a letter to Gail Borden, one of the old colonists, who was editing the *Texas Telegraph*, he replied to these charges at length. He showed that every one of them was absurd, and then concluded with the following characteristic language:

"The people ought to be competent to analyze these matters and judge for themselves. They are, however, liable to be misled by wrong impressions, but will do justice in the end, and I assure you that it will be no personal mortification to me individually, if I am not elected, while such erroneous impressions exist. I have one proud consolation which nothing can deprive me of, and that is the approbation of my own conscience, and the certainty that all I have done since I came to Texas in 1821 will bear the test of the most rigid scrutiny. I do not pretend by this to say that I have not erred in judgment, and, perhaps, from imprudent counsel, but I do say that no man has labored with purer intentions, or with a more ardent and disinterested desire to promote the prosperity and happiness and

liberty of Texas; and I also say that I consented to become a candidate at the election with great reluctance. I have been absent from Texas, on public business, for about three years. During this time my individual affairs have been neglected, and much of the old colonization business remained unclosed. It was my wish and intention to devote this year to these objects, at the same time giving all the aid I could, as a citizen, to the public cause."

Borden published this letter in the *Telegraph*, but in the circumstances it had very little effect upon public opinion at the moment. Austin received only five hundred and eighty-seven votes, out of a total of six thousand six hundred and forty. Even Henry Smith, who had withdrawn from the race and given his own support to Houston, received a greater vote than Austin. Smith's vote was seven hundred and forty-three, and there were one hundred and ninety-one scattered among unimportant candidates. Houston received five thousand one hundred and nineteen votes, considerably more than three-fourths of the total cast. The constitution was ratified by a practically unanimous vote, and the proposal to seek annexation to the United States was approved by a vote of three thousand two hundred and seventy-seven to ninety-one. Mirabeau B. Lamar was elected vice-president.

The fourteen senators elected were as follows: Dr. Stephen H. Everitt, from Jefferson and Jasper; Robert Wilson, from Harrisburg and Liberty; William H. Landrum, from Shelby and Sabine; Shelby Corzine, from San Augustine; Sterling C. Robertson, from Milam; Alexander Somervell, from Austin and Colo-

rado; Jesse Grimes, from Washington; Edwin Moorehouse, from Goliad; Richard Ellis, from Red River; Albert C. Horton, from Matagorda, Jackson and Victoria; James S. Lester, from Bastrop and Gonzales; Francisco Ruíz, from Béxar; William H. Wharton, from Brazoria, and Dr. Robert A. Irion from Nacogdoches.

The representatives elected were as follows: Mosely Baker, Austin; Thomas J. Green, Béxar; John W. Bunton and Jesse Billingsley, Bastrop; Dr. Branch T. Archer and John A. Wharton, Brazoria; John G. Robinson, Colorado; John Chenoweth, Goliad; William S. Fisher, Gonzales; Jesse H. Cartwright, Harrisburg; Samuel Addison White, Jackson; Samuel S. Lewis, Jasper; Claiborne West, Jefferson; Edward T. Branch, Liberty; Ira Ingram, Matagorda; Francis W. Wethered, Milam (seat contested and finally given to Samuel T. Allen); John K. Allen and Hayden H. Edwards, Nacogdoches; Dr. Mansell W. Mathews, George W. Wright and William Becknell, Red River (Becknell's seat was contested and, on his own motion, awarded to Collin McKinney); Elkanah Brush, Refugio; W. W. Holman and Dr. Joseph Rowe, San Augustine; John Boyd, Sabine; Richard Hooper and Sidney O. Pennington, Shelby; John Geraghty, San Patricio; Richard Roman, Victoria, and William W. Hill and W. W. Gant, Washington.

This Congress met at Columbia on Monday, October 3, in accordance with the proclamation of the president, and Burnet's first message to it was in the nature of an account of his stewardship. "It will be recollected," he said, "that the powers conferred on the government *ad*

interim were extraordinary, that they comprised the plenal attributes of sovereignty, the legislative and judicial functions excepted. The circumstances under which that government has been administered have been equally extraordinary. Sometimes, when Texas was a moving mass of fugitives, they have been without 'a local habitation' and scattered to the cardinal points; again they have been on Galveston Island, without a shelter, and almost without subsistence, and never have they been in circumstances of comfort and convenience suitable to the orderly conducting of the grave and momentous business committed to their charge. That errors should have been committed under such circumstances will not surprise those who have an honest consciousness of their own fallibilities. But that those extraordinary powers have not been perverted to any sinister purpose, to the damage of the country, to personal aggrandizement, or to the creation or advancement of a party, or to the success of speculation, I assert with modest but firm and assured confidence."

The public debt he reported to be approximately a million and a quarter dollars. This represented the cost of the revolution, but inasmuch as there was still danger of a Mexican invasion it would be necessary to maintain the army, and the consequent expenses would continue to be high. A system of revenue, therefore, must be created, and Burnet recommended a tariff on imports as the most desirable method of raising revenue. He recommended also a continuance of the land bounty system to encourage enlistment in the army, the purchase of an additional vessel for the navy, the organization of the judiciary, the establishment of a postal

system, and the beginning of such internal improvements as the bridging of small streams and the establishment of ferries over the larger ones.

The government *ad interim* had sent James Collinsworth and P. W. Grayson to Washington some months before to enlist the good offices of the United States in obtaining a settlement with Mexico, and to sound out the American government on the question of the annexation of Texas. But congress had adjourned when Collinsworth and Grayson reached Washington, and nothing was accomplished. There was, therefore, nothing to report under that head. The question of the disposition of Santa Anna, Burnet left to the incoming government.

President-Elect Houston arrived at Columbia shortly after congress convened, although the date fixed by the constitution for his inauguration was still two months off. He took occasion to pay a visit to Santa Anna, who was still confined on the Phelps plantation, and after an affecting interview with the prisoner, Houston promised him that he would recommend his prompt release. The presence of Houston in Columbia gave rise to the expression of the opinion that the inauguration ought not to wait until the second Monday in December, and when Burnet learned that the members of congress generally viewed the matter in this light, he transmitted a message to congress on October 22, offering to step aside if it was desired to inaugurate the new government at once. "The period having arrived," he said, "when, in the estimation of the congress, the constitutional government may be completely organized, and as I conceive such organization to be

desirable, I request that congress will not consider my incumbency as any obstacle to the immediate inauguration of the Executive officers elect. Sensible of having discharged my duty to my adopted country to the utmost extent of my abilities and with a faithfulness unmingled by a selfish feeling, I shall retire from office with the utmost approbation of my own conscience, which I esteem more than the plaudits of men." Upon receipt of this message, congress voted immediately "that the inauguration take place at four o'clock, this day." A joint committee from the two houses was named to wait upon Houston and inform him of this action, and at the appointed hour he took the oath of office in the presence of congress and a large crowd of citizens.

Because of the suddenness of the decision to hold the inauguration at once, Houston's inaugural address was informal in character, but inasmuch as it marked the beginning of constitutional government in the Republic of Texas, it is given here in full. President Houston spoke as follows:

"Mr. Speaker and Gentlemen: Deeply impressed with a sense of the responsibility devolving upon me, I can not, in justice to myself, repress the emotion of my heart, or restrain the feelings which my sense of obligation to my fellow-citizens has inspired. Their suffrage was gratuitously bestowed. Preferred to others, not unlikely superior in merit to myself, called to the most important station among mankind by the voice of the people, it is utterly impossible not to feel impressed by the deepest sensations of delicacy in my present position before the world. It is not here alone, but our

present attitude before all nations has rendered my position, and that of my country, one of peculiar interest.

"A spot of earth almost unknown to the geography of the age, destitute of all available resources, few in numbers, we remonstrated against oppression and, when invaded by a numerous host, we dared to proclaim our independence and to strike for freedom on the breast of the oppressor. As yet our course is onward. We are only in the outset of the campaign of liberty. Futurity has locked up the destiny which awaits our people. Who can contemplate with apathy a situation so imposing in the moral and physical world? No one. The relations among ourselves are peculiarly delicate and important; for no matter what zeal or fidelity I may possess in the discharge of my official duties, if I do not obtain the cooperation and an honest support from the coordinate departments of the government, wreck and ruin must be the inevitable consequences of my administration. If, then, in the discharge of my duty, my competency should fail in the attainment of the great objects in view, it would become your sacred duty to correct my errors and sustain me by your superior wisdom. This much I anticipate—this much I demand. I am perfectly aware of the difficulties that surround me, and the convulsive throes through which our country must pass. I have never been emulous of the civic wreath—when merited, it crowns a happy destiny. A country situated like ours is environed with difficulties, its administration is fraught with perplexities. Had it been my destiny, I would infinitely have preferred the toils, privations and perils of a soldier, to

the duties of my present station. Nothing but zeal, stimulated by the holy spirit of patriotism, and guided by philosophy and reason, can give that impetus to our energies necessary to surmount the difficulties that obstruct our political progress. By the aid of your intelligence, I trust all impediments in our advancement will be removed; that all wounds in the body politic will be healed, and the Constitution of the Republic derive strength and vigor equal to any emergency. I shall confidently anticipate the establishment of constitutional liberty. In the attainment of this object, we must regard our relative situation to other countries.

"A subject of no small importance is the situation of an extensive frontier, bordered by Indians, and open to their depredation. Treaties of peace and amity, and the maintenance of good faith with the Indians, seem to me the most rational means for winning their friendship. Let us abstain from aggression, establish commerce with the different tribes, supply their useful and necessary wants, maintain even-handed justice with them, and natural reason will teach them the utility of our friendship.

"Admonished by the past, we can not, in justice, disregard our national enemies. Vigilance will apprise us of their approach, a disciplined and valiant army will insure their discomfiture. Without discrimination and system, how unavailing would all the resources of an old and overflowing treasury prove to us. It would be as unprofitable to us in our present situation as the rich diamond locked in the bosom of the adamant. We can not hope that the bosom of our beautiful prairies will soon be visited by the healing breezes of peace. We may

again look for the day when their verdure will be converted into dyes of crimson. We must keep all our energies alive, our army organized, disciplined, and increased to our present emergencies. With these preparations we can meet and vanquish despotic thousands. This is the attitude we at present must regard as our own. We are battling for human liberty; reason and firmness must characterize our acts.

"The course our enemies have pursued has been opposed to every principle of civilized warfare—bad faith, inhumanity, and devastation marked their path of invasion. We were a little band, contending for liberty—they were thousands, well appointed, munitioned and provisioned, seeking to rivet chains upon us, or extirpate us from the earth. Their cruelties have incurred the universal denunciation of Christendom. They will not pass from their nation during the present generation. The contrast of our conduct is manifest; we were hunted down as the felon wolf, our little band driven from fastness to fastness, exasperated to the last extreme; while the blood of our kindred and our friends invoking the vengeance of an offended God was smoking to high heaven, we met our enemy and vanquished them. They fell in battle, or suppliantly kneeled and were spared. We offered up our vengeance at the shrine of humanity, while Christianity rejoiced at the act and looked with pride on the sacrifice. The civilized world contemplated with proud emotions conduct which reflected so much glory on the Anglo-Saxon race. The moral effect has done more towards our liberation than the defeat of the army of veterans. Where our cause has been presented to our friends in the land of our origin, they

have embraced it with their warmest sympathies. They have rendered us manly and efficient aids. They have rallied to our standard, they have fought side by side with our warriors. They have bled, and their dust is mingling with the ashes of our heroes. At this moment I discern numbers around me who battled in the field of San Jacinto, and whose chivalry and valor have identified them with the glory of the country, its name, its soil, and its liberty. There sits a gentleman within my view (indicating William Christy of New Orleans, who sat by invitation within the bar) whose personal and political services to Texas have been invaluable. He was the first in the United States to respond to our cause. His purse was ever open to our necessities. His hand was extended to our aid. His presence among us and his return to the embraces of our friends will inspire new efforts in behalf of our cause.

"A circumstance of the highest import will claim the attention of the court at Washington. In our recent election the important subject of annexation to the United States of America was submitted to the consideration of the people. They have expressed their feelings and their wishes on that momentous subject. They have, with a unanimity unparalleled, declared that they will be reunited to the great Republican family of the North. The appeal is made by a willing people. Will our friends disregard it? They have already bestowed upon us their warmest sympathies. Their manly and generous feelings have been enlisted on our behalf. We are cheered by the hope that they will receive us to participate in our civil, political and religious rights, and hail us welcome into the great family of freemen. Our

misfortunes have been their misfortunes—our sorrows, too, have been theirs, and their joy at our success has been irrepressible.

"A thousand considerations press upon me; each claims my attention. But the shortness of the notice of this emergency will not enable me to do justice to those subjects, and will necessarily induce their postponement for the present."

At this point Houston paused in his address to disengage his sword. Having grasped it in his hand, he turned to the speaker of the house and said, "It now, sir, becomes my duty to make presentation of this sword—this emblem of my past office." For a moment he was unable to proceed, being overcome with emotion. The effect of the act, which may seem a little melodramatic in retrospect, is said to have been visible on all present within the hall. Houston then handed the sword to the presiding officer and remarked, "I have worn it with some humble pretensions in defense of my country—and should the danger of my country again call for my services, I expect to resume it, and respond to that call, if needful, with my blood and with my life." Amid the applause of the auditors, the ceremony came to an end and the first constitutional president of the new republic was installed. Mirabeau B. Lamar then took the oath as vice-president and made a short address. The new government was thus inaugurated.

Houston's first act as president was one calculated to unite the country and obtain the undivided support of the people. He showed that he intended to surround himself with the ablest men available as members of the cabinet, and incidentally appointed both of his op-

ponents in the election to cabinet positions. He named Stephen F. Austin as secretary of state and Henry Smith as secretary of the treasury. His naming of Austin was not merely a stroke of policy. Austin had been the head of the mission to the United States during the revolution, and, as the real founder of Texas, was the best informed man in the country on all matters pertaining to the legal and governmental relations of the Anglo-Americans with Mexico since their first migration to Texas. He had been highly successful in the American mission, and had already established connections throughout the United States which were valuable. It was of importance, therefore, that he should be associated with the new government, and the post of secretary of state, which gave to him the oversight of the country's foreign affairs and especially the negotiations with the United States, was decidedly the one he should occupy. However, when he was informed of Houston's action his first impulse was to decline the office. He was not in the best of health and his private affairs were very much neglected. But many of the leading men of Texas, men who had been in the country for years and who had shared with Austin the trials of the colonial period, urged upon him that the best interests of the republic required that he should accept it. Austin had never turned a deaf ear to the call of public service when he believed that he was needed. So in spite of the considerations against it, which considerations must have naturally included the attitude of the people as expressed in the small vote he had received in the election, he finally accepted the post and immediately proceeded to devote all his energies to its duties.

In order to insure a continuance of the good work already done by the American mission, Houston appointed William H. Wharton, who had been Austin's associate, to be minister to the United States. This was another appointment in the interest of the country, for Wharton had supported Austin instead of Houston for the presidency. But Houston reasoned that with Austin in the secretary of state's office and Wharton at Washington he would have the cooperation of the best men available in dealing with the United States. The effect of these appointments on the people can be better appreciated when it is considered that the policy of "spoils to the victor" had been inaugurated in wholesale fashion by Andrew Jackson in the United States only a few years before and was decidedly the order of the day in American politics, especially among Jacksonians.

The other members of Houston's first cabinet were Thomas J. Rusk, secretary of war; Samuel Rhoads Fisher, secretary of the navy; James Pinkney Henderson, attorney general; and Robert Barr, postmaster general. The press of personal affairs compelled General Rusk to resign shortly after his appointment, and William S. Fisher became secretary of war. General Felix Houston, who had been active throughout the revolution in organizing and sending troops to Texas from the United States, and who came to the country shortly after the battle of San Jacinto, succeeded Rusk as commander in chief.

One of the most troublesome problems which confronted Houston at the outset was that of the proper disposition of the case of Santa Anna, and he tackled it

in characteristic fashion without delay. He sent to congress the suggestion that the prisoner should be released, and asked for authorization from that body to send him to Vera Cruz by way of Washington, D. C. This was in accordance with a plan proposed by Santa Anna himself on the occasion of a visit Houston made the prisoner on November 2, which included a pledge on Santa Anna's part to inform Jackson that as President of Mexico he would countenance the transfer of Texas from Mexico to the United States. Santa Anna took the position that the action of the people of Texas in voting for annexation had changed the whole matter, so far as Mexico was concerned, and that, instead of being a question of recognizing the independence of Texas, it was now a question of the transfer of Texas to the United States and consequently to be settled between Mexico and the United States. This, he said, made it necessary for him to go to Washington to see Jackson, and it was to the advantage of Texas to release him for this purpose. Santa Anna seems to have said nothing of one feature of his plan, as he conceived it, which was to ask the United States to pay "a fair consideration" to Mexico for Texas. The wily gentleman seems to have believed sincerely that if he could make a deal with Jackson, he could win over his countrymen to the proposal to "get something" for Texas, which, as a matter of fact, was already lost to them. On November 5 Santa Anna put his plan in writing in the form of a letter to Houston, but it is notable he makes no reference in this communication to the idea of having the United States pay for Texas. The text of this letter follows:

"OROZIMBO, November 5, 1836.

"To His Excellency, Gen. Sam Houston:

"My Esteemed Sir: Through the channel of your commissioners, and by my conversation with you on the 2d instant, I have manifested to you the importance of my visit to Washington City to adopt the most effectual mode of terminating the Texan question; and, as time is passing, without any definite action, when it is most precious, I am desirous that you, who are so deeply interested in the welfare of this country, should expedite the final determination of this question—using, if you should deem it advisable, the following reasons:

"When the treaty of the 14th of May was entered into, it was based upon the principle that Texas should form an independent nation, and should acquire a legal existence by means of the acknowledgment of Mexico. But, as that basis has been changed by the recent declaration of the people of Texas in favor of annexation to the United States of the north, it appears to me that, by this declaration, the question is much simplified; because, in future, it will appertain to the cabinet at Washington to regulate this matter, and with whom Mexico will not hesitate to enter into explanation, as a definite treaty is desired.

"The mode of effecting this important object, without loss of time, is what I hope to attain by my conference with the cabinet at Washington, at the same time conciliating all interests. Convinced as I am that Texas will never reunite with Mexico, I am desirous, on my part, to improve the advantage which may offer, and avoid the sacrifices which will occur should an imprudent attempt be made to reconquer this country, which

has hitherto proved more detrimental than beneficial; consequently, reducing the Texas question to this single point—the regulation of the limits between the United States and Mexico, which, you are aware, has been pending many years, and may be fixed at the Nueces del Norte, or any other boundary, as may be decided on at Washington. Thus disagreeable discussions which might delay the definite determination of this question, or cause a difference between two friendly nations, will be avoided.

"This, in substance, is a plain, safe and speedy mode of terminating this important matter, and, as all are interested, it becomes necessary that you facilitate my journey to Washington with the least possible delay.

"In regard to the stipulation in the secret treaty, that my journey should be direct to Vera Cruz, there will be no surprise when the reasons why I first go to Washington City are known; and should I be sent the latter route, I would like that Messrs. Hockley, Patton and Bee should accompany me. Should it meet your approbation, you can commission them for that purpose.

"I conclude by repeating to you what I have said, both verbally and in writing—that my name, already known to the world, shall not be tarnished by any unworthy action. Gratitude is my characteristic; so you will have nothing on your part to repent. To you I owe my existence, and many favors of which I am deeply impressed; and these I will endeavor to reciprocate as they so justly deserve.

"I have the honor to remain

"Your most obedient servant,

"ANTONIO LOPEZ DE SANTA ANNA."

Historians have too hastily dismissed this plan of Santa Anna's as devised solely to obtain his release. For there is good reason to believe that Santa Anna was sincere in putting it forward, and that he regarded it as the best settlement of the Texas question from Mexico's standpoint. In the light of subsequent history it is seen today as precisely that. If Santa Anna could have succeeded in negotiating a treaty of limits, fixing the boundary between the United States and Mexico at the Rio Grande, and Jackson could have been induced to carry out the original purpose he had sent Anthony Butler to the Mexican capital to accomplish, and to agree to pay a cash consideration in connection with such a treaty, it would have settled the question to the best advantage for Mexico. There is no reason to doubt that Santa Anna sincerely believed it was useless for Mexico to attempt to reconquer Texas, and had political conditions at the moment in his own country been different, the task of convincing his countrymen that the best course to pursue in the circumstances was to sell Texas to the United States, while a delicate and difficult one, would not have been impossible. Houston and Austin both believed the plan feasible, so far as it had been disclosed to them, and they were both convinced of Santa Anna's sincerity in putting it forward.

The problem, however, was first of all to convince the members of congress that it was to the advantage of Texas to release Santa Anna. When the proposal came before them it met with strong opposition. Vice-President Lamar, who had opposed the release of the prisoner as a member of Burnet's cabinet, now renewed his opposition to Houston as had developed, and he

made the most of the episode from a political standpoint. A resolution was introduced providing that the prisoner should be detained in Texas, and a heated debate resulted. In the senate, Dr. S. H. Everitt, the senator from Jefferson and Jasper, delivered an address against Houston's proposal, which is said to have been written by Lamar, and which stands today as one of the most effective orations of its kind in the annals of American politics. Senator Everitt, under Lamar's coaching, capitalized the occasion by holding up to view Houston's chief weakness, his vanity and love of the spectacular and, in order to do this, suggested that it would be a marvelous spectacle if Houston himself could go to Washington and parade his prisoner before admiring thousands.

"There is, I fear," he declared, "some vanity at the bottom of this project of sending the captive to Washington City. I have no objection to having the weakness gratified provided it could be done without detriment to the public interest. No man would be better pleased than I would to see General Houston and General Santa Anna on a tour of the United States. To view them both at the court of Washington at the same time—the one the Napoleon of the South, the other the Wellington of the North—would be a dazzling and delightful sight—quite a borealis—which, reflecting mighty flakes of blazing glory upon our national character, could not fail to be most thrilling to the bosom of every true patriot! Yet I do not like to display national splendor at the peril which the display might involve. I am pleased with the display itself, but not with the danger.

"Sir, when the scene breaks, when the phantasma-

goria is over, General Santa Anna will return to Mexico to fit out another expedition against us, while His Excellency will return perhaps to his garret to cogitate new devices to entrap his quondam friend. All this might do very well were it not for one obtrusive reflection, the one the frogs made when pelted to death—viz.: that though it was sport to them, it was death to us.

"Mr. President, we have everything to gain by holding on to our prisoner, and everything to lose by sending him to Washington City. There is one other point upon which I will touch, and then dismiss the matter without further tax on the time and patience of this body. We are told by honorable gentlemen that the release of Santa Anna would be a brilliant act of unparalleled magnanimity; and to witness the President of eight millions of people so humbled by General Houston's exhibition would be so sublime that it would deluge the universe with glory! If vanity again should be found to lurk in this matter, it would be wrong to reproach if it be true, as Cicero says, that it is the infirmity of noble minds; but still the idea occurs to me, that it would be rather a misdirected magnanimity, which would turn loose upon the world another 'Ate, hot from hell.' Such is the magnanimity now proposed. Santa Anna, the *slayer of our friends and brethren—the pirate—the robber—the murderer—the all-horrible demon in human shape*, whose march through the world is to be traced by the *bloody trail* he leaves behind—is to be screened from justice; is to be turned loose again like a hell-hound upon his race, for the all-glorious purpose of exhibiting his conqueror in the exquisite attitude of a magnanimous hero. Spirits of Bowie and

Travis and Bonham, and all ye gallant martyrs of Goliad and Béxar, what think ye of this? To see thy murderer figuring at the capital of thy native country, peradventure with his conqueror by his side, pleading with the president of a powerful republic to reinstate the tyrant and blood-stained assassin upon the ruined liberty of Mexico, that he may with most gracious condescension acknowledge the independence of our country! And this is the magnanimity which is to reflect the sunshine of eternal glory upon Texas! O, sir, from such glory as this I ask you to aid me in shielding our adopted land! I am willing to 'strew flowers into the conqueror's path,' or to bow my own forehead at the footstool, or to toil in the harness of despotic power, or to do anything else that will save our national escutcheon from this meditated honor. The hand that signs the liberation of Santa Anna before the acknowledgment of our independence, will fix upon the reputation of Texas a stain more to be dreaded than the branding iron of guilt and shame."

The resolution providing for the retention of Santa Anna was passed by a decisive majority, but Houston was not to be deterred by such clamor. He promptly vetoed the resolution and sent it back to congress. Then the political opponents of Houston sought to place a trap for him. A resolution was proposed and passed leaving the disposition of the prisoner entirely in the hands of the President as his discretion might dictate. This, in effect, was saying to Houston that if Santa Anna was released he would have to take the full responsibility for the act himself. Houston took up the challenge without hesitation and began immediately to

make arrangements for the prisoner's trip to Washington. In accordance with Santa Anna's request he appointed Bernard E. Bee, George W. Hockley and William H. Patton to be his escorts on the journey, and decreed that Colonel Almonte should also be released and accompany him as a sort of personal aide.

Houston instructed Santa Anna that, while admitting the fact that he was a prisoner, he should at all times assume the style of president and head of the Mexican republic. In this capacity he should approach President Jackson and inform him of his willingness to enter into a treaty with the United States, fixing the boundary between the two countries at the Rio Grande, and thus bring the Texas question to an amicable settlement. It was Houston also who first suggested that President Jackson might be induced to send Santa Anna home on "a national vessel of the United States."

On November 25, therefore, Santa Anna, together with his Texan escorts and his faithful Almonte, sailed for New Orleans, from which city he was to proceed to Washington to interview President Jackson.

CHAPTER XLIX.

TEXAS BECOMES A NATION.

It was not a particularly auspicious time that was chosen to send Santa Anna to Washington. For, while he and his party were proceeding in leisurely fashion on their journey up the Mississippi and Ohio rivers, the United States was in the throes of a diplomatic controversy with Mexico over the publication and private circulation of a pamphlet written by Manuel Eduardo de Gorostiza, the Mexican minister, who had previously asked for his passports and left for home. The pamphlet was a scathing criticism of the policy of Jackson's administration with respect to the troops on the Texas border, and particularly of the sending of Gaines to Nacogdoches. That such a pamphlet should be circulated in the United States by the representative of a foreign power made Jackson furious, and in a note to Mexico the government of that country was asked to disavow an act which so glaringly violated "all the decorum of diplomatic usage," and which was "so disrespectful to the government and people of the United States, so unworthy the representative of a respectable government, and so well calculated to interrupt the harmony and good will which ought to subsist between the United States and Mexico." The Mexican government promptly replied that it coincided with all Gorostiza had done, and approved of his withdrawal

from Washington. Relations between the two countries at the moment, to say the least, were strained.

Moreover, not only Jackson, but American politicians generally, were growing wary on the subject of Texas. During the first outburst of enthusiasm over the battle of San Jacinto, petitions had poured in upon congress praying for the recognition of the independence of the infant republic. But in the course of the debate on a rather innocuous resolution, declaring in favor of the recognition of Texas "whenever satisfactory information has been received that it has in successful operation a civil government, capable of performing the duties and fulfilling the obligations of an independent power," it had become abundantly apparent that there was political dynamite in the question. As early as May 25, within two weeks after the news of the battle of San Jacinto was received at Washington, John Quincy Adams had denounced the war in Texas on the floor of the house of representatives as having for its purpose the reestablishment of slavery in territory where it already had been abolished, and had attacked Jackson's administration bitterly for having done all in its power to involve the United States in a war with Mexico in defense of slavery. Adams's speech was received with such universal approval in the northern states that from that moment the Texas question became linked up with the question of slavery. However, before congress adjourned on July 4, the tentative resolution on the question of the recognition of Texas, and another measure making an appropriation for a minister to Texas whenever it should be recognized, had passed by decisive votes.

The presidential campaign intervened before congress met again, and while the question of Texas did not become a dominant issue, it was discussed enough to impress politicians with the fact that it was a good question to let alone. Martin Van Buren, Jackson's candidate, was elected, but his popular majority was so small as to warn him to tread softly, and the desire to avoid embarrassing the incoming president was a determining influence with Jackson during the remainder of his administration. Jackson had sent a special representative to Texas, in the person of Henry M. Morfit, to make an investigation of conditions there and to report on the general situation. Morfit had spent August and September in Texas, making frequent reports to the secretary of state of his observations with respect to the resources, population, outlook and general condition of the country, and had, of course, reported the result of the election on the question of annexation to the United States. The ultimate conclusion which Morfit had reached was that the stupidity of the rulers of Mexico and the financial embarrassment of the Mexican government were the chief guarantees that Texas could maintain its independence. When William H. Wharton, the Texan minister to the United States, reached Washington about the middle of December, somewhat in advance of Santa Anna, he did not find the outlook as bright as he had expected. Jackson received him unofficially, and manifested his interest by asking many questions, but was generally non-committal. When Wharton called upon Secretary of State Forsyth, however, he was bluntly informed by that official that the action of the Texans in voting to seek

annexation had placed the United States in a rather embarrassing position. Forsyth pointed out that for the United States to recognize the independence of Texas, in view of the expressed desire for annexation, would give rise to the suspicion that it had become party to a plot to annex Mexican territory, and he expressed the opinion that it would be very desirable to obtain recognition from England or some other country first.

The day following Wharton's interview with Forsyth, Jackson sent a special message to congress on the subject of the recognition of Texas, at the same time submitting for the information of the members extracts from Morfit's report. The tone of this message surprised the opponents of the administration considerably, for it was so hesitant that Adams characterized it as "a total reversal of the spirit which almost universally prevailed at the close of the last session of congress, and in which the president notoriously shared." It was whispered that Van Buren had been consulted in its preparation, which may have been true, but the fact was that it was really the work of Forsyth, who was slated to remain in the new cabinet as secretary of state. In the message, Jackson pointed out the delicacy of the situation which the Texans themselves had created by their vote on annexation, and expressed the opinion that the United States should still "stand aloof." Incidentally, he expressed the opinion that the responsibility for initiating action in the matter of recognition should be assumed by congress itself.

Jackson's message, which was dated December 21, 1836, was as follows:

"To the Senate and House of Representatives of the United States:

"During the last session information was given to congress by the executive that measures had been taken to ascertain 'the political, military, and civil condition of Texas.' I now submit for your consideration extracts from the report of the agent who had been appointed to collect it relative to the condition of that country.

"No steps have been taken by the Executive toward the acknowledgment of the independence of Texas, and the whole subject would have been left without further remark on the information now given to congress were it not that the two Houses at their last session, acting separately, passed resolution 'that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.' This mark of interest in the question of the independence of Texas and indication of the views of congress make it proper that I should somewhat in detail present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

"The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such state has forcibly separated itself from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not

looked upon as a justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether in the Old or New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements of those Kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government that we have under the most critical circumstances avoided all censure and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been by force of evidence compelled to decide.

"It has thus been made known to the world that the uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognize the authority of the prevailing party, without reference to our particular interests and views or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy that no serious disagreement has

ever arisen among ourselves in relation to it, although brought under review in a variety of forms, and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new State—a power the exercise of which is equivalent under some circumstances to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.

"In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur, and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and the Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone

be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

"In making these suggestions it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe and its honor permits us to follow.

"It is scarcely to be imagined that a question of this character could be presented in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a right adherence to principle.

"In the contest between Spain and her revolted colonies we stood aloof and waited, not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were they recognized. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish American States who began or carried on the contest with the parent country united under one form of government. We acknowledged the separate independence of New

Granada, of Venezuela, and of Ecuador only after their independent existence was no longer a subject of dispute or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic under another executive is rallying its forces under a new leader and menacing a fresh invasion to recover its lost dominion.

"Upon the issue of this threatened invasion the independence of Texas may be considered as suspended, and were there nothing peculiar in the relative situation of the United States and Texas our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act on this occasion with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to

many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same form of government with our own, and have since the close of your last session openly resolved, on the acknowledgment by us of their independence, to seek admission into our Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new Government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the Government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it we are but carrying out the long-established policy of our Government—a policy which has secured to us respect and influence abroad and inspired confidence at home.

"Having thus discharged my duty, by presenting with simplicity and directness the views which after

much reflection I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress shall differ with me upon it their judgment will be the result of dispassionate, prudent, and wise deliberation, with the assurance that during the short time I shall continue connected with the Government I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country. ANDREW JACKSON."

That the attitude expressed in this message disappointed Wharton and the advocates of immediate recognition in congress can be readily appreciated, for it seemed to postpone the matter indefinitely. W. F. Catlett, who had been appointed secretary of the Texas legation under Wharton, characterized its tone as "cold-blooded" and "ungenerous" in writing to Austin about it, and expressed the opinion that it might be taken to indicate a rather unpromising prospect so far as the incoming administration was concerned. The best course to follow in the circumstances, he thought, was to attempt to change Jackson's attitude before the expiration of his term of office, for Jackson's personal wish was to recognize Texas. Waddy Thompson, of South Carolina, who already had shown himself as the most ardent friend of Texas in the house, was outspoken in his criticism of the president's message, but for the time being nothing could be done.

This was the situation when Santa Anna arrived in Washington on January 17, 1837. In other circumstances Jackson might have regarded an offer from so distinguished a Mexican leader to readjust the boundary

between the two countries as a golden opportunity. But Monroe's prophecy that the acquisition of more territory in the Southwest might involve the very safety of the Union itself was being partly fulfilled by the attitude of many of the Northern states, whose people had come to regard the proposal to annex Texas as being prompted alone by the desire to extend slave territory and thus increase the influence of the slaveholders in national affairs. Even if Texas could be acquired by means of a treaty with Mexico, it was to be expected that such a move would meet with a storm of opposition that might defeat the party which fathered it. Besides Jackson was in very feeble health, and with his eight years in the White House drawing to a close he was not as ardent about the Texas proposition as he had been when he first sent Butler to the Mexican capital seven years before. The change that had come about in American politics in the meantime was strikingly illustrated by the attitude of John Quincy Adams. It was Adams who had first proposed the purchase of Texas, and who had instructed Poinsett to make such an offer to Mexico. But Adams had completely changed front and had become the leader of the opposition to the acquisition of Texas. In this he merely reflected a radical change in public opinion in his section of the country. In addition to all this, Santa Anna's popularity in Mexico had waned considerably during his imprisonment, a circumstance of which Jackson was fully aware, and the Mexican chargé d'affaires had officially notified the American government that Santa Anna no longer represented Mexico in any official capacity. So when Santa Anna called upon Jackson the

latter was fully conscious that he was dealing with an individual Mexican citizen, and not with the president of the Mexican republic, and on the other hand Jackson was not so anxious to acquire Texas through a treaty with Mexico as he had been formerly.

Santa Anna placed before Jackson his proposal that if the United States would agree to pay an adequate consideration for it, he would undertake to have Mexico enter into a treaty fixing the boundary between the two countries at the Rio Grande, thus ceding Texas to the United States. In this way, he said, the desire of the Texans for annexation to the United States would be gratified, and a great source of friction between the two countries would be removed. All parties would be satisfied and everything would be lovely. Jackson replied that the United States would have to know the attitude of the Texans toward such a plan before acting, and that until it had recognized the independence of Texas the United States could hold no intercourse with that country as a nation. Moreover, even then it could not approach Texas on the question unless the proposal came through the regular diplomatic channels from Mexico itself. However, Jackson took occasion to say to Santa Anna that if Mexico should be willing to cede both Texas and Northern California to the United States, presumably for a consideration, that would establish relations of permanent peace and friendship between the two countries. The proposal to acquire Northern California was not an entirely new one, for Jackson had instructed Butler, only a short time before the latter's withdrawal from Mexico, to inquire into the feasibility of such a purchase. Santa Anna accom-

plished nothing, therefore, by his visit to Washington, though Jackson made it clear to him that a boundary at the Rio Grande would be desirable.

Santa Anna remained in Washington six days and was treated cordially by American officials generally. Jackson agreed to place an American vessel at his disposal for the trip to Vera Cruz, and late in January Santa Anna embarked at Norfolk on the *Pioneer*, a "public vessel provided for him by the President." Incidentally, he induced Colonel Bee, one of his escorts, to advance him two thousand dollars for his expenses in Washington, giving a draft on Vera Cruz for the amount in return. This draft was never paid, and Bee was subsequently reimbursed by the Texas government.

Santa Anna arrived at Vera Cruz on February 23, precisely one year from the day he had begun the siege of the Alamo. The anniversary must have supplied him with food for thought, for his homecoming was certainly not that of a national hero. Not only had his popularity vanished completely, but his old-time enemy, Anastasio Bustamante, had returned from exile during his imprisonment in Texas, and was the popular idol of the moment. The president *ad interim*, Barragán, had died some months before, and congress had named José Justo Corro, a pious man of mediocre ability, to succeed him. In the regular election Bustamante was chosen president by an overwhelming majority, the electoral vote being as follows: Bustamante, fifty-seven; Gómez Pedraza, six; Bravo, three; Santa Anna, two. Santa Anna's humiliation was complete. He had no desire to add to it by attempting to put forward his proposal to sell Texas to the United States.

On the contrary, in the retirement of his estate of Manga de Clavo, he prepared and had published a labored defense of his conduct in Texas and denounced, in terms of the most bitter abuse, the people who had spared his life and restored him to his country. Bustamante was inaugurated president of Mexico on April 19, 1837, and upon his shoulders was placed the responsibility of dealing with Texas.

Meantime, in Washington, Wharton had continued to labor to obtain recognition for Texas. He soon became convinced that his best course was to center his efforts on Jackson himself, while doing everything possible to get congress to act. He wrote home on February 2 that President Jackson had told him the previous day that he had conversed freely with Santa Anna in regard to "extending the present open Southwestern line so as to include Texas and that their views were in entire accordance." Wharton described the attitude of the friends of Van Buren in congress as desiring to delay the question of recognition for fear that it would make annexation the leading issue in the next presidential campaign and thus prove dangerous to the new president should he seek reelection. "All that remains for me," he wrote, "is to operate with the president, and to get him to quicken the action of congress with another message. This I shall day and night endeavor to effect by using every argument that can operate upon his pride and his sense of justice." Congress, in fact, had done nothing. On January 11, Senator Robert J. Walker, of Mississippi, had introduced a resolution declaring there was no longer any reasonable prospect that Mexico could reconquer Texas

and that therefore the independence of the new republic ought to be recognized. But the resolution rested in committee without action. In the house nothing at all had been done. Jackson, however, was not to be cajoled into sending another message to congress, though he encouraged Wharton to persevere. But he did send information to the committee of foreign relations from time to time and made no effort to disguise the fact that his own wish was that congress should act favorably on the question. On February 2, for example, he transmitted to the house committee on foreign relations a long letter written to his private secretary by Stephen Austin, which set forth at length the reasons why the United States should not delay recognition of Texas. Austin, in this letter, hinted that it might become necessary for Texas to turn to some other power for the moral support she had a right to expect from the United States. This argument appealed to Jackson as effective and, in transmitting Austin's letter, he took occasion to make the following comment: "The Colonel [Howard, chairman of the committee] will find the idea held forth by Mr. Austin in his letter, 'that if the United States does not now accept the proposition, it may be forever lost to her.' This the President has heard from other sources, and there is no doubt, if the independence of Texas be not acknowledged by the United States, an effort will be made to Great Britain to have the independence of Texas acknowledged by her, giving and securing to Great Britain, as consideration, enclosure commercial benefits."

The hand that had written the letter thus transmitted

by Jackson was cold and lifeless, for Stephen F. Austin had laid down his burden at last, and had passed away at Columbia on December 27. The letter he prepared for Jackson's eye was his last service to Texas, for it was while working on it in an ill-heated room that he caught a severe cold, which developed in due course into pneumonia. He was confined to his bed for a week, while three physicians did what they could to save his life. About a half hour before his death he awoke from a dream and murmured: "Texas recognized. Archer told me so. Did you see it in the papers?" Those were his last words, for he then lapsed into unconsciousness from which he never recovered. A merciful providence had soothed his troubled mind during his final moments on earth by giving him the conviction that his beloved Texas had become a nation among nations by the acknowledgment of his native land. He died in the belief that his life work, the Americanization of Texas, had thus attained complete fruition.

Stephen Austin's life work had been indeed completed, for Anglo-American civilization was so firmly planted between the Sabine and the Rio Grande that the destiny of Texas was secure. But for the time being American politics obscured this fact. There was still work to be done before recognition could be obtained, and the Texas government sent Memucan Hunt to Washington to reinforce Wharton in doing it. Hunt arrived at Washington early in February and immediately he and Wharton sent a joint appeal to President Jackson, setting forth at length the peculiar claims Texas had upon the United States, and citing facts

tending to show that the government of the new republic was already more firmly established than that of many others at the time they had been recognized by the United States in the past.

The last week of Jackson's administration was reached without anything being done in either house of congress, and Jackson, while expressing a keen desire that congress should act, refused to send in another message on the subject. Senator Walker had made one attempt to call up his resolution, but strong opposition from friends of Van Buren had prevented him from succeeding. In the house, Waddy Thompson had introduced a resolution declaring for recognition, but on February 21, after a heated debate, it had been tabled by a vote of ninety-eight to eighty-six. This was the situation on Monday, February 26. On the following Saturday the inauguration of Van Buren would take place, and then, the friends of Texas felt, the prospect of early recognition would be very dark indeed. With only a week left there seemed little hope for the Texans.

On Tuesday, February 27, while the civil and diplomatic appropriation bill was being considered in committee of the whole by the house, Waddy Thompson offered an amendment to the bill providing for an appropriation to send a diplomatic agent to the independent republic of Texas. A warm debate ensued, and Thompson's amendment was voted down by forty ayes to eighty-two nays. On Wednesday, February 28, when the same bill was reported to the house, Thompson renewed his amendment providing for an appropriation "for the outfit of a diplomatic agent to be sent to the independent republic of Texas." It became ap-

parent that the friends of Texas were prepared to block the bill, rather than surrender entirely, and this time an amendment was offered to Thompson's amendment, which was designed as a compromise. It struck out the word "independent" before Texas, and provided that the appropriation was for the sending of a diplomatic agent to Texas "whenever the president of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such a minister." The bill had still to go before the senate for final passage, and it was certain it would not reach the president for his signature until the last minute. It was taken for granted by many of the members, therefore, that Van Buren would be the president who would decide when the time had arrived to name such a minister, and not Jackson. The amended amendment received the votes of many who viewed the matter in that light, and was adopted by a vote of one thundred and twenty-one to seventy-six.

Encouraged by such success in the house, Wharton and Hunt went directly to Senator Walker and urged him to attempt to call up his resolution in the senate. On Wednesday, March 1, Walker managed to call the measure before the senate, and in the debate which followed he was reinforced by the eloquence of Senator John C. Calhoun, who made a plea for recognition. Opposed to the resolution, however, was Senator Henry Clay who, as Adams's secretary of state, had been one of the original advocates of the acquisition of Texas. Clay urged further delay before acting. When the vote was taken the resolution was adopted by the close margin of twenty-three to nineteen. So another move forward

was made, though it was not decisive, for it was only an expression of opinion by the senate that Texas ought to be recognized. The next day, Thursday, March 2, the civil and diplomatic appropriation bill, with Thompson's modified amendment attached, came before the senate for final action, and in the meantime some of the senators had seen danger in the Walker resolution. A motion was made, therefore, to reconsider the vote by which the Walker resolution had been passed, and this failed of success by a tie vote, twenty-four to twenty-four. The appropriation bill was then passed without any attempt to change Thompson's amendment, and the measure was sent to the president for his signature.

On Friday, March 3, the day before Van Buren's inauguration, Wharton and Hunt realized that they were facing their last chance. Before Jackson handed over the reins to his successor at noon the following day he must be induced to take some executive action formally recognizing Texas, or else the matter would go over to the Van Buren administration, from which little could be expected in the near future. The two Texas ministers, therefore, decided to make a final appeal to Jackson, and accordingly sent him the following communication:

"Believing that the last votes in Congress have sufficiently indicated that, in the opinion of that body, the time has now arrived when the independence of Texas should be formally recognized, we again take the liberty of appearing before you, to implore you in the name of our country and by the friendship of our president and our whole population for you, to close your brilliant

career by admitting Texas, at once, by some executive act, into the family of nations. The people of Texas feel that they have claims of the strongest nature upon you, individually Many of them are from your own State and were induced to emigrate to Texas by the confidence they entertained that they would be received under the flag of your native land by the acquisition of Texas during your administration. Moreover, a large number of those who won the battle of San Jacinto sprang from the same noble state, and were taught the way to victory by your practice and precepts. In addition to this, we feel assured that in making the recognition, which we here so ardently implore, you will only be fulfilling what has been long expected from you by the whole people of the United States, and that you will also embalm your name forever in the gratitude of a rising Republic, which has proved herself worthy to be free, alike by her wisdom and moderation in the cabinet and success on the field."

An appeal better calculated to influence Jackson could not have been devised. It resulted in resolving the retiring president's doubts and, after signing the civil and diplomatic appropriation bill, he drew up a short message to the senate nominating Alcée La Branche, of Louisiana, to be chargé d'affaires to the Republic of Texas, thus recognizing Texas as an independent nation. This message was as follows:

"To the Senate of the United States:

"In my message to Congress of the 21st of December last I laid before that body, without reserve, my views concerning the recognition of the independence of Texas, with a report of the agent employed by the

Executive to obtain information in respect to the condition of that country. Since that time the subject has been repeatedly discussed in both branches of the Legislature. These discussions have resulted in the insertion of a clause in the general appropriation bill passed by both Houses providing for the outfit and salary of a diplomatic agent to be sent to the Republic of Texas whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister, and in the adoption of a resolution by the senate, the constitutional advisers of the executive on the diplomatic intercourse of the United States with foreign powers, expressing the opinion that 'the State of Texas having established and maintained an independent government capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper and in conformity with the laws of nations and the practice of this Government in like cases that the independent political existence of said State be acknowledged by the Government of the United States.' Regarding these proceedings as a virtual decision on the question submitted by me to Congress, I think it my duty to acquiesce therein, and therefore I nominate Alcée La Branche, of Louisiana, to be chargé d'affaires to the Republic of Texas.

"ANDREW JACKSON."

Jackson attached his signature to this message shortly before midnight on March 3. He immediately sent

for Wharton and Hunt, informed them what he had done, and "requested the pleasure of a glass of wine." The Texas ministers hurried to the White House, and as the hour approached which would usher in March 4, the day upon which Jackson would turn over the reins of government to Van Buren, an impromptu celebration was held and the success of the infant republic was drunk by the President of the United States. For Jackson it was an occasion of peculiar gratification, for it was not only a fitting climax to his eight years as chief executive, and at least a partial realization of his dream of incorporating Texas within the United States, but there were elements of peculiarly personal satisfaction for Jackson in the turn events had taken. He had a genuine affection for Sam Houston as one of his "boys," and much of Houston's career during the time Jackson was president had caused him great pain. But Houston had "beaten it back," so to speak. He had achieved a new career. And no man had watched his progress with greater sympathy and pride than had Jackson. The acknowledgement of the independence of Texas meant that Houston was completely rehabilitated. He was now the president of a nation with standing among the nations of the world. So when Jackson drank the health of "the President of the Republic of Texas," it was also to the success of his friend and protégé that he raised his glass. It was a source of real joy to the grizzly old warrior, who loved this extraordinary man, Sam Houston, to know that almost his final act as president of the United States had contributed toward his friend's welfare. No man was ever more loyal to his friends than was Andrew Jackson. It was at once

his chief virtue and his besetting weakness. And nothing gave him more satisfaction than to do a service for a friend, especially when the service was well deserved.

Wharton dispatched the glorious news to Texas as quickly as the slow communication of those days made possible. It was received there with universal rejoicing. The widespread condition of hardship which had resulted from the war, had been aggravated by "hard times" in the United States which were reflected in the trade of Texas. But the news that the independence of Texas had been recognized by the United States put new courage into every heart. A new era was beginning for the land west of the Sabine! The colonial period was at an end. Texas had become a nation!

To many of the old timers, who had helped to lay the foundations of that nation in the wilderness, it must have been a source of sadness that one man who would have had a better right to rejoice than any other over the event was absent. Had Stephen Austin's life been prolonged but three months he would have witnessed the complete fruition of his years of patient toil and suffering. As has been already recorded, he died in the belief that the independence of Texas had been recognized. It was as if he was given the assurance that it was all right, when it was found that he could not wait any longer. His work was done—and well done. Other men had come forward to carry on the work. He was leaving it in competent hands and could depart in peace. And so he passed on.

The nation he had created in the short space of sixteen years paid due homage to him as "The Father of Texas." When the news of Austin's death was

received by Houston, he immediately directed William S. Fisher, secretary of war, to issue the following order:

"The father of Texas is no more. The first pioneer of the wilderness has departed. General Stephen F. Austin, secretary of state, expired this day at half-past twelve o'clock, at Columbia.

"As a testimony of respect to his high standing, undeviating moral rectitude, and as a mark of the nation's gratitude for his untiring zeal and invaluable services, all officers, civil and military, are requested to wear crepe, on the right arm, for the space of thirty days. All officers commanding posts, garrisons or detachments, so soon as information is received of this melancholy event, cause twenty-three guns (one for each county in the republic) to be fired, with an interval of five minutes between each; and also have the garrison and regimental colors hung with black during the space of mourning for the illustrious deceased."

Austin's remains lay in state for two days, after which they were conducted to the steamboat *Yellow Stone* for removal to Peach Point, the home of James F. Perry, Austin's brother-in-law, for interment. A funeral procession, consisting of all the members of the government, headed by President Houston, officers of the army and navy, and a great outpouring of citizens, followed the hearse to the steamboat landing, a distance of two miles, and there embarked. A detachment of the First infantry, under Capt. Martin K. Snell, met the party at Peach Point and Stephen Fuller Austin was laid to rest with military honors.

Austin was only forty-three years old when he died, and yet it can be said of him more truly than of almost

any other man in history that he founded a commonwealth. "Stephen F. Austin was the father of Texas," Sam Houston said years later. "This is the designation justly accorded to him, as will be testified to by every man who is acquainted with the primitive history of Texas, or its progress as long as he lived. . . . Posterity will never know the worth of Stephen F. Austin, the privation which he endured, the enterprise which he possessed, his undying zeal, his ardent devotion to Texas and her interests, and his hopes connected with her glorious destiny." Mirabeau B. Lamar, speaking to his fellow Texans, declared that "he was not only the founder of our Republic, but scarcely a blessing flowed to our country which may not be fairly attributed to his unwearied exertions for its welfare; while almost every calamity which has befallen it might have been averted by adhering to his wise and prudent counsels. The world has afforded but few examples of superior intelligence and sagacity. . . . His long suffering for the weal of others, his patient endurance under persecutions, his benevolent forgiveness of injuries, and his final sacrifice of health, happiness and life, in the service of his country—all conspire to place him without a rival among the first of patriots and the best of men." And finally Judge James H. Bell has said that Austin "might well be proud of his position and his achievements," and "might well feel that he had acquired an indisputable title to the respect of mankind." "And that respect," continues Judge Bell, "his memory will certainly receive. Circumstances inseparable from the settlement and growth of a new country, and from

changes of government, have had the effect to distract the minds of men from inquiry into his character and services. But history will one day adorn her page with a delineation of his high and spotless character, and with the story of his long, arduous and successful services to his country. His fame will grow as the state which he founded is destined to grow in prosperity and influence."

APPENDIX

VI. *CONSTITUTION OF THE REPUBLIC OF TEXAS.*

VII. *THE SOLDIERS OF SAN JACINTO.*

§ 6.

CONSTITUTION OF THE REPUBLIC OF TEXAS.

The constitution of the Republic of Texas was completed and signed on March 17, 1836, and adopted by practically a unanimous vote of the people at the same time the first president was elected the following September. The text is given here in full, together with the names of the delegates who signed it.

We, the people of Texas, in order to form a government, establish justice, insure domestic tranquillity, provide for the common defense and general welfare; and to secure the blessings of liberty to ourselves, and our posterity, do ordain and establish this constitution.

ARTICLE I.

Section 1. The powers of this government shall be divided into three departments, viz.: legislative, executive and judicial, which shall remain forever separate and distinct.

Sec. 2. The legislative power shall be vested in a senate and house of representatives, to be styled the congress of the republic of Texas.

Sec. 3. The members of the house of representatives shall be chosen annually, on the first Monday of September each year, until congress shall otherwise provide by law, and shall hold their offices one year from the date of their election.

Sec. 4. No person shall be eligible to a seat in the house of representatives until he shall have attained the age of twenty-five years, shall be a citizen of the re-

public, and shall have resided in the county or district six months next preceding his election.

Sec. 5. The house of representatives shall not consist of less than twenty-four, nor more than forty members, until the population shall amount to one hundred thousand souls, after which time the whole number of representatives shall not be less than forty, nor more than one hundred: Provided, however, that each county shall be entitled to at least one representative.

Sec. 6. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Sec. 7. The senators shall be chosen by districts, as nearly equal in free population (free negroes and Indians excepted), as practicable; and the number of senators shall never be less than one-third nor more than one-half the number of representatives, and each district shall be entitled to one member and no more.

Sec. 8. The senators shall be chosen for the term of three years, on the first Monday in September; shall be citizens of the republic, reside in the district for which they are respectively chosen at least one year before the election; and shall have attained the age of thirty years.

Sec. 9. At the first session of congress after the adoption of this constitution, the senators shall be divided by lot into three classes, as nearly equal as practicable; the seats of the senators of the first class shall be vacated at the end of the first year; of the second class, at the end of the second year; the third class, at the end of the third year, in such a manner that one-third shall be chosen each year thereafter.

Sec. 10. The vice-president of the republic shall be president of the senate, but shall not vote on any question, unless the senate be equally divided.

Sec. 11. The senate shall choose all other officers of their body, and a president *pro tempore*, in the absence of the vice-president, or whenever he shall exercise the office of president; shall have the sole power to try impeachments, and when sitting as a court of impeachment, shall be under oath; but no conviction shall take place without the concurrence of two-thirds of all the members present.

Sec. 12. Judgment in cases of impeachment shall only extend to removal from office, and disqualification to hold any office of honor, trust or profit under this government; but the party shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 13. Each house shall be the judge of the elections, qualifications and returns of its own members. Two-thirds of each house shall constitute a quorum to do business, but a small number may adjourn from day to day, and may compel the attendance of absent members.

Sec. 14. Each house may determine the rules of its own proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, may expel a member, but not a second time for the same offence.

Sec. 15. Senators and representatives shall receive a compensation for their services, to be fixed by law, but no increase of compensation, or diminution, shall take effect during the session at which such increase or

diminution shall have been made. They shall, except in case of treason, felony, or breach of the peace, be privileged from arrest during the session of congress, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 16. Each house may punish, by imprisonment, during the session, any person not a member, who shall be guilty of any disrespect to the house, by any disorderly conduct in their presence.

Sec. 17. Each house shall keep a journal of its proceedings, and publish the same, except such parts as in its judgment require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered on the journals.

Sec. 18. Neither house, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two houses may be sitting.

Sec. 19. When vacancies happen in either house, the executive shall issue writs of election to fill such vacancies.

Sec. 20 No bill shall become a law until it shall have been read on three several days in each house, and passed by the same, unless, in cases of emergency, two-thirds of the members of the house where the bill originated shall deem it expedient to dispense with the rule.

Sec. 21. After a bill shall have been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 22. The style of the laws of the republic shall

be, "Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled."

Sec. 23. No person holding an office of profit under the government shall be eligible to a seat in either house of congress, nor shall any member of either house be eligible to any office which may be created, or the profits of which shall be increased during his term of service.

Sec. 24. No holder of public monies or collector thereof shall be eligible to a seat in either house of congress, until he shall have fully acquitted himself of all responsibility, and shall produce the proper officer's receipt thereof. Members of either house may protest against any act or resolution, and may have such protest entered on the journals of their respective houses.

Sec. 25. No money shall be drawn from the public treasury but in strict accordance with appropriations made by law; and no appropriations shall be made for private or local purposes, unless two-thirds of each house concur in such appropriations.

Sec. 26. Every act of congress shall be approved and signed by the president before it becomes a law; but if the president will not approve and sign such act, he shall return it to the house in which it shall have originated, with his reasons for not approving the same, which shall be spread upon the journals of such house, and the bill shall then be reconsidered, and shall not become a law unless it shall then pass by a vote of two-thirds of both houses. If any act shall be disapproved by the president, the vote on the reconsideration shall be recorded by ayes and noes. If the president shall fail to return a bill within five days (Sundays excepted)

after it shall have been presented for his approval and signature, the same shall become a law, unless the congress prevent its return within the time above specified by adjournment.

Sec. 27. All bills, acts, orders, or resolutions, to which the concurrence of both houses may be necessary (motions or resolutions of adjournment excepted), shall be approved and signed by the president, or being disapproved, shall be passed by two-thirds of both houses, in manner and form as specified in section 20.

ARTICLE II.

Sec. 1. Congress shall have power to levy and collect taxes and imposts, excise and tonnage duties; to borrow money on the faith, credit and property of the government, to pay the debts and to provide for the common defense and general welfare of the republic.

Sec. 2. To regulate commerce, to coin money, to regulate the value thereof and of foreign coin, to fix the standard of weights and measures, but nothing but gold and silver shall be made a lawful tender.

Sec. 3. To establish post offices and post roads, to grant charters of incorporation, patents and copyrights, and secure to the authors and inventors the exclusive use thereof for a limited time.

Sec. 4. To declare war, grant letters of marque and reprisal, and to regulate captures.

Sec. 5. To provide and maintain an army and navy, and to make all laws and regulations necessary for their government.

Sec. 6. To call out the militia to execute the law, to suppress insurrections, and to repel invasion.

Sec. 7. To make all laws which shall be deemed necessary and proper to carry into effect the foregoing express grants of power, and all other powers vested in the government of the republic, or in any officer or department thereof.

ARTICLE III.

Sec. 1. The executive authority of the government shall be vested in a chief magistrate, who shall be styled the president of the Republic of Texas.

Sec. 2. The first president elected by the people shall hold his office for the term of two years, and shall be ineligible during the next succeeding term; and all subsequent presidents shall be elected for three years, and be alike ineligible; and in the event of a tie, the house of representatives shall determine between the two highest candidates by a viva voce vote.

Sec. 3. The returns of the election for president and vice-president shall be sealed up and transmitted to the speaker of the house of representatives, by the holders of elections of each county; and the speaker of the house of representatives shall open and publish the returns in presence of a majority of each house of congress.

ARTICLE IV.

Sec. 1. The judicial powers of the government shall be vested in one supreme court, and such inferior courts as the congress may from time to time ordain and establish. The judges of the supreme and inferior courts shall hold their offices for four years, be eligible to reelection, and shall, at stated periods, receive for their services a compensation, not to be increased or diminished during the period for which they were elected.

Sec. 2. The republic of Texas shall be divided into convenient judicial districts, not less than three, nor more than eight. There shall be appointed for each district a judge, who shall reside in the same, and hold the courts at such times and places as congress may by law direct.

Sec. 3. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers or consuls, and in all capital cases, the district courts shall have exclusive original jurisdiction, and original jurisdiction in all civil cases when the matter in controversy amounts to one hundred dollars.

Sec. 4. The judges, by virtue of their offices, shall be conservators of the peace, throughout the republic. The style of all process shall be, "the republic of Texas," and all prosecutions shall be carried on in the name and by the authority of the same, and conclude, "against the peace and dignity of the republic."

Sec. 5. There shall be a district attorney appointed for each district, whose duties, salaries, perquisites and term of service shall be fixed by law.

Sec. 6. The clerks of the district courts shall be elected by the qualified voters for members of congress, in the counties where the courts are established, and shall hold their offices for four years, subject to removal by presentment of a grand jury, and conviction of a petit jury.

Sec. 7. The supreme court shall consist of a chief justice and associate judges; the district judges shall compose the associate judges, a majority of whom, with the chief justice, shall constitute a quorum.

Sec. 8. The supreme court shall have appellate

jurisdiction only, which shall be conclusive, within the limits of the republic; and shall hold its sessions annually, at such times and places as may be fixed by law: Provided, that no judge shall sit in a case in the supreme court tried by him in the court below.

Sec. 9. The judges of the supreme and district courts shall be elected by joint ballot of both houses of congress.

Sec. 10. There shall be in each county a county court, and such justices' courts as the congress may, from time to time, establish.

Sec. 11. The republic shall be divided into convenient counties, but no new county shall be established, unless it be done on the petition of one hundred free male inhabitants of the territory sought to be laid off and established; and unless the said territory shall contain nine hundred square miles.

Sec. 12. There shall be appointed for each county a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as congress may direct. Justices of the peace and sheriffs shall be commissioned by the president.

Sec. 13. The congress shall, as early as practicable, introduce, by statute, the common law of England, with such modifications as our circumstances, in their judgment, may require; and in all criminal cases, the common law shall be the rule of decision.

ARTICLE V.

Sec. 1. Ministers of the gospel being, by their profession, dedicated to God and the care of souls, ought

not to be diverted from the great duties of their functions: therefore, no minister of the gospel or priest of any denomination whatever, shall be eligible to the office of executive of the republic, nor to a seat in either branch of the congress of the same.

Sec. 2. Each member of the senate and house of representatives shall, before they proceed to business, take an oath to support the constitution, as follows:

"I, A. B., do solemnly swear (or affirm, as the case may be) that, as a member of this general congress, I will support the constitution of the republic, and that I will not propose or assent to any bill, vote or resolution which shall appear to me injurious to the people."

Sec. 3. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the constitution of the republic, and also an oath of office.

ARTICLE VI.

Sec. 1. No person shall be eligible to the office of president who shall not have attained the age of thirty-five years, shall be a citizen of the republic at the time of the adoption of this constitution, or an inhabitant of this republic at least three years immediately preceding his election.

Sec. 2. The president shall enter on the duties of his office on the second Monday in December next succeeding his election, and shall remain in office until his successor shall be duly qualified.

Sec. 3. The president shall at stated times receive a compensation for his services, which shall not be increased or diminished during his continuance of office; and before entering upon the duties of his office, he

shall take and subscribe the following oath or affirmation: "I, A. B., president of the republic of Texas, do solemnly and sincerely swear (or affirm, as the case may be) that I will faithfully execute the duties of my office, and to the best of my abilities preserve, protect, and defend the constitution of the republic."

Sec. 4. He shall be commander in chief of the army and navy of the republic, and militia thereof, but he shall not command in person without the authority of a resolution of congress. He shall have power to remit fines and forfeitures, and to grant reprieves and pardons, except in cases of impeachment.

Sec. 5. He shall, with the advice and consent of two-thirds of the senate, make treaties; and with the consent of the senate, appoint ministers and consuls, and all officers whose offices are established by this constitution, not herein otherwise provided for.

Sec. 6. The president shall have power to fill all vacancies that may happen during the recess of the senate; but he shall report the same to the senate within ten days after the next congress shall convene; and should the senate reject the same, the president shall not re-nominate the same individual to the same office.

Sec. 7. He shall, from time to time, give congress information of the state of the republic, and recommend for their consideration such measures as he may deem necessary. He may, upon extraordinary occasions, convene both houses, or either of them. In the event of a disagreement as to the time of adjournment, he may adjourn them to such time as he may think proper. He shall receive all foreign ministers. He

shall see that the laws be faithfully executed, and shall commission all the officers of the republic.

Sec. 8. There shall be a seal of the republic, which shall be kept by the president, and used by him officially; it shall be called the great seal of the republic of Texas.

Sec. 9. All grants and commissions shall be in the name, and by the authority of the republic of Texas, shall be sealed with the great seal, and signed by the president.

Sec. 10. The president shall have power, by and with the advice and consent of the senate, to appoint a secretary of state and such other heads of executive departments as may be established by law, who shall remain in office during the term of service of the president, unless sooner removed by the president, with the advice and consent of the senate.

Sec. 11. Every citizen of the republic who has attained the age of twenty-one years, and shall have resided six months within the district or county where the election is held, shall be entitled to vote for members of the general congress.

Sec. 12. All elections shall be by ballot, unless congress shall otherwise direct.

Sec. 13. All elections by joint vote of both houses of congress shall be viva voce, shall be entered on the journals, and a majority of the votes shall be necessary to a choice.

Sec. 14. A vice-president shall be chosen at every election for president, in the same manner, continue in office for the same time, and shall possess the same qualifications of the president. In voting for president and

vice-president, the electors shall distinguish for whom they vote as president, and for whom as vice-president.

Sec. 15. In cases of impeachment, removal from office, death, resignation, or absence of the president from the republic, the vice-president shall exercise the power and discharge the duties of the president until a successor be duly qualified, or until the president, who may be absent or impeached, shall return or be acquitted.

Sec. 16. The president, vice-president, and all civil officers of the republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery and other high crimes and misdemeanors.

SCHEDULE.

Sec. 1. That no inconvenience may arise from the adoption of this constitution, it is declared by this convention that all laws now in force in Texas, and not inconsistent with this constitution, shall remain in full force until declared void, repealed, altered, or expire by their own limitation.

Sec. 2. All fines, penalties, forfeitures and escheats, which have accrued to Coahuila and Texas, or Texas, shall accrue to this republic.

Sec. 3. Every male citizen who is, by this constitution, a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust or profit under the republic, anything in this constitution to the contrary notwithstanding.

Sec. 4. The first president and vice-president that shall be appointed after the adoption of this constitution shall be chosen by this convention, and shall immediately enter on the duties of their offices, and shall

hold said offices until their successors be elected and qualified, as prescribed in this constitution, and shall have the same qualifications, be invested with the same powers, and perform the same duties which are required and conferred on the executive head of the republic by this constitution.

Sec. 5. The president shall issue writs of election directed to the officers authorized to hold elections of the several counties, requiring them to cause an election to be held for president, vice president, representatives and senators to congress, at the time and mode prescribed by this constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The president, vice-president and members of congress, when duly elected, shall continue to discharge the duties of their respective offices for the time and manner prescribed by this constitution, until their successors be duly qualified.

Sec. 6. Until the first enumeration shall be made, as directed by this constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria to two representatives; the precinct of Béxar two representatives; the precinct of Colorado one representative; Sabine one; Gonzales one; Goliad one; Harrisburg one; Jasper one; Jefferson one; Liberty one; Matagorda one; Mina two; Nacogdoches two; Red River three; Victoria one; San Augustine two; Shelby two; Refugio one; San Patricio one; Washington two; Milam one, and Jackson one representative.

Sec. 7. Until the first enumeration can be made, as described by this constitution, the senatorial districts shall be composed of the following precincts: Béxar

shall be entitled to one senator; San Patricio, Refugio and Goliad one; Brazoria one; Mina and Gonzales one; Nacogdoches one; Red River one; Shelby and Sabine one; Washington one; Matagorda, Jackson and Victoria one; Austin and Colorado one; San Augustine one; Milam one; Jasper and Jefferson one, and Liberty and Harrisburg one senator.

Sec. 8. All judges, sheriffs, commissioners and other civil officers shall remain in office, and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the constitution.

GENERAL PROVISIONS.

Sec. 1. Laws shall be made to exclude from office, from the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury or other high crimes and misdemeanors.

Sec. 2. Returns of all elections for officers who are to be commissioned by the president, shall be made to the secretary of state of this republic.

Sec. 3. The presidents and heads of departments shall keep their offices at the seat of government, unless removed by the permission of congress, or unless, in cases of emergency in time of war, the public interest may require their removal.

Sec. 4. The president shall make use of his private seal until a seal of the republic shall be provided.

Sec. 5. It shall be the duty of congress, as soon as circumstances will permit, to provide by law a general system of education.

Sec. 6. All free white persons who shall emigrate to this republic, and who shall, after a residence of

six months, make oath, before some competent authority, that he intends to reside permanently in the same, and shall swear to support this constitution, and that he will bear true allegiance to the republic of Texas, shall be entitled to all the privileges of citizenship.

Sec. 7. So soon as convenience will permit, there shall be a penal code formed on principles of reformation, and not of vindictive justice; and the civil and criminal laws shall be revised, digested, and arranged under different heads; and all laws relating to land titles shall be translated, revised and promulgated.

Sec. 8. All persons who shall leave the country for the purpose of evading a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship, and such lands as they may hold in the republic.

Sec. 9. All persons of color who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude; provided, the said slave shall be the bona fide property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall congress have power to emancipate slaves; nor shall any slave holder be allowed to emancipate his or her slave or slaves without the consent of congress, unless he or she shall send his or her slave or slaves without the limits of the republic. No free person of

African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of congress; and the importation or admission of Africans or negroes into this republic, excepting from the United States of America, is forever prohibited, and declared to be piracy.

Sec. 10. All persons (Africans, the descendants of Africans, and Indians excepted,) who were residing in Texas on the day of the declaration of independence, shall be considered citizens of the republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner: Every head of a family shall be entitled to one league and labor of land; and every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have previously to the adoption of this constitution, received their league of land as heads of families, and their quarter of league of land as single persons, shall receive such additional quantity as will make the quantity of land received by them equal to one league and labor, and one third of a league, unless by bargain, sale, or exchange, they have transferred or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the republic: and in such case, the person to whom such right shall have been transferred shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the government of this

republic. But if any citizen of this republic should die intestate or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children whose parents were entitled to land under the colonization laws of Mexico, and who now reside in the republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

All orders of survey legally obtained by any citizen of the republic, from any legally authorized commissioner, prior to the act of the late consultation closing the land offices, shall be valid. In all cases the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvements, in preference to all other claims not acquired previous to his settlement, according to the law of the land and this constitution—provided, that nothing herein contained shall prejudice the rights of any other citizen from whom a settler may hold land by rent or lease.

And whereas, the protection of the public domain from unjust and fraudulent claims, and quieting the people in the enjoyment of their lands, is one of the great duties of this convention; and whereas the legislature of Coahuila and Texas having passed an act in the year 1834, in behalf of general John T. Mason of New York, and another on the 14th day of March, 1835, under which the enormous amount of eleven hundred leagues of land has been claimed by sundry in-

dividuals, some of whom reside in foreign countries, and are not citizens of the republic,—which said acts are contrary to article fourth, twelfth, and fifteenth of the laws of 1824 of the general congress of Mexico, and one of said acts, for that cause has, by said general congress of Mexico, been declared null and void: It is hereby declared that the said act of 1834, in favor of John T. Mason, and of the 14th of March, 1835, of the said legislature of Coahuila and Texas, and each and every grant founded thereon, is, and was from the beginning, null and void; and all surveys made under pretence of authority derived from said acts, are hereby declared to be null and void: and all eleven league claims, located within twenty leagues of the boundary line between Texas and the United States of America, which have been located contrary to the laws of Mexico, are hereby declared to be null and void. And whereas many surveys and titles to lands have been made whilst most of the people of Texas were absent from home, serving in the campaign against Béxar, it is hereby declared that all the surveys and locations of land made since the act of the late consultation closing the land offices, and all titles to land made since that time, are, and shall be null and void.

And whereas the present unsettled state of the country and the general welfare of the people demand that the operations of the land office, and the whole land system shall be suspended until persons serving in the army can have a fair and equal chance with those remaining at home, to select and locate their lands, it is hereby declared, that no survey or title which may

hereafter be made shall be valid, unless such survey or title shall be authorized by this convention, or some future congress of the republic. And with a view to the simplification of the land system, and the protection of the people and the government from litigation and fraud, a general land office shall be established, where all the land titles of the republic shall be registered, and the whole territory of the republic shall be sectionized, in a manner hereafter to be prescribed by law, which shall enable the officers of the government, or any citizen, to ascertain with certainty the lands that are vacant, and those lands which may be covered with valid titles.

Sec. 11. Any amendment or amendments to this constitution may be proposed in the house of representatives or senate, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays thereon, and referred to the congress then next to be chosen, and shall be published for three months previous to the election; and if the congress next chosen, as aforesaid, shall pass said amendment or amendments by a vote of two-thirds of all the members elected to each house, then it shall be the duty of said congress to submit said proposed amendment or amendments to the people, in such manner and at such times as the congress shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of congress voting thereon, such amendment or amend-

ments shall become a part of this constitution: Provided, however, that no amendment or amendments be referred to the people oftener than once in three years.

DECLARATION OF RIGHTS.

This declaration of rights is declared to be a part of this constitution, and shall never be violated on any pretence whatever. And in order to guard against the transgression of the high powers which we have delegated, we declare that everything in this bill of rights contained, and every other right not hereby delegated, is reserved to the people.

First. All men, when they form a social compact, have equal rights, and no men or set of men are entitled to exclusive public privileges or emoluments from the community.

Second. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an inalienable right to alter their government in such manner as they may think proper.

Third. No preference shall be given by law to any religious denomination or mode of worship over another, but every person shall be permitted to worship God according to the dictates of his own conscience.

Fourth. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege. No law shall ever be passed to curtail the liberty of speech or of the press; and in all prosecutions for libels, the

truth may be given in evidence, and the jury shall have the right to determine the law and fact, under the direction of the court.

Fifth. The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable searches and seizures, and no warrant shall issue to search any place or seize any person or thing, without describing the place to be searched or the person or thing to be seized, without probable cause, supported by oath or affirmation.

Sixth. In all criminal prosecutions the accused shall have the right of being heard, by himself, or counsel, or both; he shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor. And in all prosecutions by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury; he shall not be compelled to give evidence against himself, or be deprived of life, liberty, or property, but by due course of law. And no freeman shall be holden to answer for any criminal charge, but on presentment or indictment by a grand jury, except in the land and naval forces, or in the militia when in actual service in time of war or public danger, or in cases of impeachment.

Seventh. No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Eighth. No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this republic. No person holding any office of profit or

trust shall, without the consent of congress, receive from any foreign state any present, office, or emolument of any kind.

Ninth. No person, for the same offence, shall be twice put in jeopardy of life or limbs. And the right of trial by jury shall remain inviolate.

Tenth. All persons shall be bailable by sufficient security, unless for capital crimes, when the proof is evident or presumption strong; and the privilege of the writ of "habeas corpus" shall not be suspended, except in case of rebellion or invasion the public safety may require it.

Eleventh. Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishment inflicted. All courts shall be open, and every man for any injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Twelfth. No person shall be imprisoned for debt in consequence of inability to pay.

Thirteenth. No person's particular services shall be demanded, nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

Fourteenth. Every citizen shall have the right to bear arms in defense of himself and the republic. The military shall at all times and in all cases be subordinate to the civil power.

Fifteenth. The sure and certain defence of a free people is a well regulated militia; and it shall be the

duty of the legislature to enact such laws as may be necessary for the organizing of the militia of this republic.

Sixteenth. Treason against this republic shall consist only in levying war against it, or adhering to its enemies, giving them aid and support. No retrospective or *ex post facto* law, or laws impairing the obligation of contracts, shall be made.

Seventeenth. Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or entailments ever be in force in the republic.

The foregoing constitution was unanimously adopted by the delegates of Texas, in convention assembled, at the town of Washington, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the Republic, the first year.

In witness whereof, we have hereunto subscribed our names.

RICHARD ELLIS,
President and Delegate from Red River.

ALBERT H. S. KIMBLE, Secretary.

C. B. STEWART,	ROBERT HAMILTON,
JAMES COLLINSWORTH,	COLLIN MCKINNEY,
EDWIN WALLER,	A. H. LATIMORE,
A. BRIGHAM,	JAMES POWER,
JOHN S. D. BYROM,	SAM HOUSTON,
FRANCIS RUIS,	EDWARD CONRAD,
J. ANTONIO NAVARRO,	MARTIN PARMER,
WILLIAM D. LACY,	JAMES GAINES,
WILLIAM MENIFEE,	JOHN FISHER,
JOHN S. ROBERTS,	MATTHEW CALDWELL,

William Motley,
Lorenzo de Zavala,
George W. Smith,
Stephen H. Everitt,
Elijah Stapp
Claiborne West,
William B. Leates,
M. B. Menard,
A. B. Hardin,
John W. Bunton,
Thomas J. Gazley,
R. M. Coleman,
Sterling G. Robertson,
George C. Childress,
Baily Hardiman,
Robert Potter,
Charles Taylor,
William Clark, Jun.
Sydney O. Pennington,
Samuel P. Carson,
Thomas J. Rusk,
William C. Crawford,
John Turner,
Benjamin Briggs
Goodrich,
James G. Swisher,
George W. Barnet,
Jesse Grimes,
E. O. Legrand,
David Thomas,
S. Rhoads Fisher,
John W. Bower,
J. B. Woods,
Andrew Briscoe,
Thomas Barnett,
Jesse B. Badgett,
Stephen W. Blount.

I do hereby certify that I have carefully compared the foregoing Constitution, and find it to be a true copy from the original filed in the archives of the Convention.

Given under my hand this 17th day of March, 1836.

H. S. Kimble,

Attest, Secretary of the Convention.

§ 7.

THE SOLDIERS OF SAN JACINTO.

The men who composed "the army of San Jacinto," and who won the battle, which, because of its far-reaching effect, was one of the decisive battles of the Western Hemisphere, were as follows:

Sam Houston, major-general commanding; Thomas J. Rusk, secretary of war; John A. Wharton, adjutant-general; George W. Hockley, inspector-general; John Forbes, commissary-general; William G. Cooks, assistant inspector-general; Alexander Horton, Wm. H. Patton, James Collinsworth, aides-de-camp; Robert M. Coleman, Robert Eden Handy, James H. Perry, volunteer aides; Dr. Alexander Ewing, acting chief surgeon; Dr. Davidson, surgeon; J. P. T. Fitzhugh, assistant surgeon 1st regiment; Anson Jones, surgeon 2nd regiment; Shields Booker and N. D. Labadie, assistant surgeons 2nd regiment.

ARTILLERY CORPS.

J. C. Neill, lieutenant-colonel, severely wounded on the 20th; Isaac N. Moreland, captain; W. Stillwell, first lieutenant; Richardson Scurry, first sergeant; Thomas Plaster, second sergeant.

PRIVATES.

T. O. Harris, Jno. M. Wade, Hugh M. Smith, William A. Park, Thomas Green, Clark M. Harman, T. J. Robinson, M. Baxter, Ben McCulloch, Joseph White, Thomas N. B. Green, John Ferrill, Joseph Floyd, Alfred Benton, D. T. Dunham, Willis Collins, T. C. Edwards, S. B. Bardwell.

Assisted by the following regulars from Teal's company: Campbell, Millerman, Gainer, Cumberland.

From Turner's company: Benson, Clayton, Merwin, Legg.

CAVALRY CORPS.

Mirabeau B. Lamar, commanding; Henry W. Karnes, captain; Wm. H. Smith, captain; James R. Cook, first lieutenant; Wm. Harness, second lieutenant; Lem. Gustine, M. D.

PRIVATES.

Erastus ("Deaf") Smith, Washington Secrest, Fielding Secrest, A. Allsbury, S. C. Turnage, D. W. Reeves, E. R. Rainwater, J. D. Elliott, J. P. Davis, J. Neil, G. Deaderick, N. Nixon, J. Nash, Isaac W. Burton, Jacob Duncan, James Wells, special scout; Young P. Alsbury, Daniel McKay, W. J. C. Pierce, W. King, Thomas Blackwell, —— Goodwin, John Coker, W. B. Sweeney, Benjamin F. Smith, Thomas Robbins, Elisha Clapp, H. Henderson, George Johnson, J. W. Williamson, Wilson C. Brown, J. Thompson, John Robbins, William F. Young, James Douthatt, John Carpenter, William S. Taylor, Anthony Foster, Z. Y. Beauford, Spencer Townsend, James Shaw, William D. Redd, —— Clopper, Peter H. Bell, James W. Robinson, A. W. Hill, Olwyn J. Trask.

REGULARS.

Lieutenant-Colonel Henry Millard, commanding; Captain John M. Allen (future mayor of Galveston), acting major.

COMPANY A.

Andrew Briscoe, captain; Martin K. Snell, first lieu-

tenant; Robert McClosky, second lieutenant; Lyman F. Rounds, first sergeant; David S. Nelson, second sergeant; Daniel O. Driscoll, third sergeant; Charles A. Ford, fourth sergeant; —— Richardson, first corporal; Harry C. Craig, second corporal; —— Bear, third corporal; —— Flores, musician.

PRIVATES.

Bruff, Bebee, Benton, Henry P. Brewster, Cassady, Dutcher, Darrl, Elliott, Flynn, Farley, Grieves, Warner, Henderson, Lang, Labartare, Limski, Mason, Montgomery, Marsh, Morton, O'Niel, Pierce, Patton, Rheinhart, Kainer, Richardson, Smith, first; Smith, second; Sullivan, Saunders, Swain, Tindall, first; Van Winkle, Wilkinson, Webb.

VOLUNTEERS.

COMPANY B.

Amasa Turner, captain; W. Willen, first lieutenant; W. W. Summers, second lieutenant; Charles Stewart, first sergeant; N. Swearingen, second sergeant; Robert Moore, corporal; Thomas Wilson, corporal; M. Snyder, corporal.

PRIVATES.

Bernard, Browning, Dalrymple, Eldridge, Edson, Harper, Hogan, Harvey, Bissett, Belden, Johnson, Keeland, Ludus, Lind, Minnett, Mordorff, Colton, Callahan, Massie, Moore, second; Mirlas, Pascal, Phillips, Smith, first; Christie, Clarkson, Smith, second; Schesston, Sigman, Tyler, Woods, Wardryski.

COMPANY C.

Richard Roman, captain; Nicholas Dawson, second

lieutenant; James Wharton, sergeant; A. Mitchell, sergeant; S. L. Wheeler, sergeant; A. Taylor, corporal; J. S. Egbert, corporal; W. Moore, corporal.

PRIVATES.

—— Angell, G. Brown, Joseph Barstow, J. B. Bradely, B. Coles, J. S. Conn, J. H. T. Dixon, William Dunbar, H. Homan, J. M. Jett, Stev. Jett, A. S. Jordon, S. W. Lamar, Edward Lewis, J. W. B. McFarland, A. M'stea, H. Miller, W. G. Newman, W. Richardson, D. Tindale, J. Vinaler, C. W. Waldron, F. F. Williams, James Wilder, W. S. Walker, James Ownsby.

COMPANY I.

W. S. Fisher, captain; R. W. Carter, second lieutenant; —— Jones, sergeant.

PRIVATES.

George W. Leek, N. Rudder, J. W. Stroud, Jos. Sovereign, W. Sergeant, R. J. W. Reel, Rufus Wright, Jos. McAllister, B. F. Starkley, —— Day, John Morgan, Henry Tierwester, ——Slack, R. Banks, Jac. Maybee, ——Graves, B. F. Fry, E. G. Marie, —— M'Neill, John M. Shreve, W. Pace, Chas. Stebbins, R. Crittenden, Adam Mosier, J. S. Patterson, Jos. Douane, George W. Mason, Thomas Pratt, E. Knowland, A. H. Miles, John Lewellan, Joseph Joslyn, W. S. Arnot, M. W. Brigham, P. Burt, H. Bond, Geo. Fennell, W. Gill, Jo. Gillespie, A. J. Harris, D. James.

STAFF OF THE COMMAND.

Nicholas Lynch, adjutant; Wm. M. Carper, surgeon; John Smith, sergeant-major; Pinkney Caldwell, quartermaster.

FIRST REGIMENT TEXAS VOLUNTEERS.

Edward Burleson, colonel; Alex. Somervell, lieutenant; Jas. W. Tinsley, adjutant; H. N. Cleveland, sergeant-major.

COMPANY A.

Wm. Wood, captain; S. B. Raymond, second lieutenant; J. C. Allison, first sergeant; James A. Sylvester, second sergeant; O. T. Brown, third sergeant; Nathaniel Peck, fourth sergeant.

PRIVATES.

Irwin Armstrong, Wm. H. Berryhill, Uriah Blue, Seymour Bottsford, Luke W. Bust, James Cumbo, Elijah V. Dale, Abner C. Davis, Jacob Eiler, Simon P. Ford, —— Garner, Giles A. Giddings, James Greenwood, Wm. Griffin, Wm. C. Hayes, Thos. A. Haskin, Robert Howell, Wm. Lockridge, J. D. Loderback, Edward Miles, Benj. Osborne, Jas. R. Pinchback, Joseph Rhodes, John W. Rial, Ralph E. Sevey, Manasseh Sevey, Edw. W. Taylor, John Vivien, George Waters, James Welsh, Ezra Westgate, Walter Winn.

COMPANY C.

Jesse Billingsly, captain; Micah Andrews, first lieutenant; James A. Craft, second lieutenant; Russel B. Craft, first sergeant; Wm. H. Magill, second sergeant; Campbell Taylor, third sergeant.

PRIVATES.

L. C. Cunningham, John Herron, Preston Conley, Andres Jackson Berry, Jefferson Barton, Dempsey Pace, Lemuel Blakey, George Self, Thomas Davy, Jacob Standefer, Wayne Barton, Sampson Connell, Logan Vandeveer, Washington Anderson, William Standefer,

William Simmons, George Green, George B. Erath, Jno. W. Bunton, William Criswell, Sam McClelland, Lewis Goodwin, Jos. Garwood, Willis Avery, Jesse Halderman, Charles Williams, Aaron Burleson, Calvin Gage, Martin Walker, Dr. Thomas J. Gazley, Gernett E. Brown, Robert M. Cravens, Walker Wilson, Prior Holden, Thos. H. Mays, A. M. Highsmith, James Curtis, Thos. M. Dennis, James R. Pace, John Hobson, Nicholas M. Bain, Robt. Hood, Dugald McLean, Thos. A. Graves.

COMPANY D.

Moseley Baker, captain; John P. Borden, first lieutenant; John F. Pettus, second lieutenant; Joseph Baker, first sergeant; Edward O. Pettus, second sergeant; Moses A. Bryan, third sergeant; James Bell, first corporal; James Friel, second corporal; Isaac L. Hill, third corporal.

PRIVATES.

O. D. Anderson, J. B. Alexander, John Beachom, T. H. Bell, S. R. Bostic, Paschal P. Borden, J. Carter, Sam'l Davis, G. W. Davis, J. R. Foster, A. Greenlaw, —— Fowler, Hugh Franzier, William Isbell, Robert Kleburg, James Tarlton, Mat Kuykendall, Robert Moore, Jos. Moore, Jos. McCrabb, Louis Rorder, V. W. Swearengen, Jos. Vermillion, I. E. Watkins, A. W. Wolsey, W. R. Williams, Allison York, Patrick Usher, John S. Menifee, Paul Scarborough, John Flick, J. H. Money, Allen Ingram, —— Weppler, John Marshall, Wm. Bernbeck, Samuel Millett, Philip Stroth, Andreas Voyel, Nicholas Peck, Wm. Hawkins, John Duncan, Geo. Sutherland, Thos. Gay, Joseph Miller, G. W.

Gardner, Wm. Mock, S. H. Isbell, McHenry Winburn, T. R. Jackson, D. D. D. Baker, Peter B. Dexter.

COMPANY K.

Robert J. Calder, captain; John Sharpe, first lieutenant; M. A. Bingham, first sergeant.

PRIVATES.

Benj. R. Brigham, killed; Thomas O'Connor, F. S. Cooke, T. Cooke, S. Connor, Geo. J. Johnstone, Granville Mills, Elias Baker, H. Dibble, T. M. Fowler, H. Fields, Benj. C. Franklin, J. Green, W. C. Hogg, J. Hall, E. B. Halstead, J. W. Hassell, Walter Lambert, B. Mims, W. Muir, Pleasant D. M'Neel, C. Malone, J. Plunkett, W. P. Reese, C. K. Reese, J. A. Spicer, H. Stonfer, Joshua Threadgill, W. P. Scott, R. Crawford, S. B. Mitchell, B. F. Fitch, W. W. Gant, J. S. Edgar, J. Smith, T. D. Owen, W. Hale, A. G. Butts, D. Dedrick, C. Forrester, W. K. Denham.

COMPANY F.

Wm. J. E. Heard, captain; Wm. M. Eastland, first lieutenant; Eli Mercer, first sergeant; Wilson Lightfoot, second sergeant; Alfred Kelso, first corporal; Elijah Mercer, second corporal.

PRIVATES.

Robt. McLaughlin, Leroy Wilkinson, Wm. Lightfoot, Daniel Miller, Josiah Hagans, John McCrabb, Maxwell Steele, John Bigley, Hugh McKenzie, Jos. Elinger, John Hallet, J. Robinson, D. Dunham, Fidelie Breeding, Wm. Passe, James S. Lester, Christian Winner, James Nelson, John Tumlinson, Francis Brookfield, Charles M. Henry, James Byrd, Nathaniel Reid,

Andrew T. Foley, Allen Jones, Thomas Adams, Mitchell Putman, Thos. H. Hardeman, Chas. Thompson, Wm. Waters, Joseph Highland.

COMPANY H.

Wm. H. Hill, captain, sick; R. Stevenson, commanding Company H; H. Swisher, first lieutenant; C. Raney, first sergeant; A. R. Stevens, second sergeant; Wm. H. Miller, fourth sergeant.

PRIVATES.

E. Whitesides, J. S. Stump, John M. Swisher, Moses Davis, John Lyford, John F. Tom, Nicholas Crunk, Lewis Clemons, Wm. Hawkins, W. J. Cannon, Jacob Groce, Fred B. Gentry, J. G. Wilkinson, A. Dillard, R. Bowen, James Farmer, A. Lesassier, W. R. Dallas, M. B. Gray, James Gray, B. Doolittle, John Graham, James M. Hill, J. Ingraham, F. K. Henderson, Uriah Saunders, John Craddock, John Gafford, N. Mitchell, David Korneky, George Petty, James Evetts, Prosper Hope, J. Powell, Matthew Dunn, J. D. Jennings, John C. Hunt, S. Lawrence, A. Caruthers, Daniel McKay.

SECOND REGIMENT TEXAS VOLUNTEERS.

Sidney Sherman, colonel; Joseph L. Bennett, lieutenant-colonel; Lysander Wells, major; Edward B. Wood, adjutant; Bennett McNelly, sergeant-major.

FIRST COMPANY.

Hayden Arnold, captain; R. W. Smith, first lieutenant; Isaac Edwards, second lieutenant.

PRIVATES.

Sam Leiper, Peter W. Holmes, Wm. P. Kincannon, Daniel Doubt, John Moss, E. E. Hamilton, David Rusk, W. F. Williams, J. W. McHorse, H. Malena

Alexin, John Harvey, Mat. G. Whitaker, John Yancy, S. Yarbrough, Thos. G. Box, Nelson Box, G. R. Mercer, Wm. Nabors, Wm. T. Sadler, James Mitchell, James E. Box, Sam Phillips, John B. Trenay, Levy Perch, Crawford Grigsby, John McCoy, Dickinson Parker, Jesse Walling, J. W. Carpenter, John Box, W. E. Hallmark, Thos. D. Brooks, S. F. Sparks, Howard Bailev, H. M. Brewer, Stephen McLinn.

SECOND COMPANY.

Wm. Ware, captain; Job S. Collard, first lieutenant; Geo. A. Lamb, second lieutenant; Albert Gallitin, first sergeant; Wm. C. Winters, second sergeant.

PRIVATES.

J. F. Winters, J. W. Winters, C. Edenburg, Lewis Cox, Matthew W. Cartwright, G. W. Robinson, G. W. Lawrence, Wm. Cartwright, John Sadler, James Wilso , James Deritt, Matthew Moss, Jesse Thomas.

THIRD COMPANY.

Wm. M. Logan, captain; Franklin Hardin, first lieutenant; B. J. Harper, second lieutenant; Edward T. Branch, first sergeant.

PRIVATES.

John Biddle, J. M. Maxwell, M. Charencan, E. Bollinger, P. Bollinger, John Slayton, Patrick Carnel, Wm. M. Smith, David Choat, David Cole, R. O. W. McManus, L. J. Dyches, David H. McFadden, Thomas Orr, Luke Bryan, Wm. Kibbe, E. M. Tanner, H. R. Williams, Michael Pevetoe, Lefroy Godree, Joseph Farewell, Robert Whitlock, Cyrus V. Thompson, Cornelius Devoy, M. J. Brakey, Thos. Belknap, Wm. Duffee, Joseph Ellender, Wm. Smith, Wm. Robertson, W. A. Smith, James Cole.

FOURTH COMPANY.

Wm. H. Patton, captain (aide-de-camp in battle); David Murphree, first lieutenant, commanding; Peter Harper, second lieutenant; John Smith, first sergeant; Pendleton Rector, second sergeant; A. D. Breedlove, third sergeant; G. L. Bledsoe, first corporal.

PRIVATES.

James Bradley, J. C. Boyd, Robert Barr, A. J. Beard, Alex Bailey, J. J. Childs, St. Clair Patton, Claiborn Rector, Phineas Ripley, Thomas J. Sweeney, J. B. Taylor, L. Willoughby, G. Wright, M. B. Atkinson, Colden Denman, Edw. Darst, R. B. Darst, J. K. Davis, E. Gallaher, James Hall, S. Phillips, Thomas McGay, J. A. Barkley, Francis Walnut, Hinton Curtis, J. B. Grice, Nat Hager, B. F. Cage, J. M. McCormick, James Hayr, Charles Hick, A. D. Kenyon, G. W. Lewis, J. Pickering, James Harris, Wm. Brennan, Wm. H. Jack, Doct. Baylor, Thos. F. Corry, A. Lewis, Walter P. Lane, E. G. Rector.

FIFTH COMPANY.

Thos. H. McIntire, captain; John P. Gill, first lieutenant; Bazil G. Ijams, second lieutenant; Robert D. T. Tyler, first sergeant; John Wilkinson, second sergeant; E. G. Coffman, first corporal.

PRIVATES.

Wm. Boyle, Benj. Bencroft, George Barker, Wm. Bennett, John Clarke, J. B. Coliant, John Chevis, first; John Chevis, second; Thomas Cox, J. Campbell, —— Cooper, T. Davis, Oscar Farrish, Thomas Hopkins, Jack Lowrie, Cyrus Cepton, Ambrose Mayer, Moses Allison, Placido McCorley, David Odom, G. W. Pente-

cost, S. W. Peebles, Sam Shupe, Isaac Jaques, Isaac Maiden, F. Wilkinson.

SIXTH COMPANY.

James Gillaspie, captain; Matthew Funch, first lieutenant; A. L. Harrison, second lieutenant; Rchd. Chadduck, first sergeant.

PRIVATES.

John Sayres, Francis B. Lessiter, M. R. Goheen, Thos. H. Webb, John Peterson, John Montgomery, Thos. F. Johnson, Hez Farris, Wm. L. Ferrell, Sam Wiley, Wm. Fullerton, Wm. Fertilan, Andrew Montgomery, —— Rollison, Ed. McMillan, John S. Darling, J. W. Scolling, John Richardson, Jennings O'Bannion, Willis L. Ellis, James Walker, —— Scallom, Alphonzo Steel, Benj. Johnson, F. M. Woodward, Wm. Peterson, John C. White, Robert Henry, Elijah Votau, G. Crosby, Joel Dedrick, J. Ramey,

SEVENTH COMPANY.

Benjamin Bryan, captain; John C. Hale, first lieutenant; A. S. Lewis, second lieutenant.

PRIVATES.

Wm. Earle, Jas. T. P. Irvine, Sim. Roberts, Joseph P. Parks, C. Rockwell, R. B. Russell, L. H. White, A. McKenzie, A. Cobble, John F. Gilbert, D. Roberts, Wm. B. Scates, J. R. Johnson, William Pate, B. Lindsay, James Clarke, Robert Love, J. S. Irwine.

EIGHTH COMPANY.

William Kimbrough, captain; James Rowe, first lieutenant; John Haman, first sergeant; William Fisher, second sergeant; Henry Reed, third sergeant.

PRIVATES.

D. Brown, William Bateman, J. A. Chaffin, Hershel Corsine, Joel Crain, R. T. Crain, Josh. Clelens, W. H. Davis, S. Hollman, H. Hill, George Hancock, E. O. Legrand, D. Love, D. H. McGary, Thomas Maxwell, A. J. McGown, J. W. Proctor, Benj. Thomas, D. Watson, Lewis Wilworth, R. Stevenson, G. W. Jones, W. B. Bennett, B. Green, J. Kent, —— Caddell, Rinaldo Hotchkiss, Thos. M. Hughes, A. Buffington, James Burch, R. Burch, A. E. Manuel.

NINTH COMPANY.

Juan N. Seguín, captain; Manuel Flores, first sergeant; Antonio Manchaca, second sergeant; Nep. Flores, first corporal; Ambro Rodríguez, second corporal.

PRIVATES.

Antonio Cruz, José María Mocha, Eduardo Samírer, Lucin Enriques, Matias Cuvier, Antonio Cueves, Simon Ancola, Man'l Tarin, Pedro Henern, Thomas Maldonart, Cesario Cormona, Jacinto Peña, N. Navarro, A. Varcinas, Man'l Avoca.

COMPANIES NOT GIVEN.

Turner Barnes, Joseph Weeks, James Collard, Jonathan Collard, John Hannan, Wm. Burdett, N. W. Burdett, J. A. Burdett, William Young (severely wounded).

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